



Journal of the Senate

State of Indiana

114th General Assembly

First Regular Session

Twelfth Meeting Day

Thursday Afternoon

January 27, 2005

The Senate convened at 1:34 p.m., with the President of the Senate, Rebecca S. Skillman, in the Chair.

Prayer was offered by Senator Victor R. Heinold.

The Pledge of Allegiance to the Flag was led by Senator Heinold.

The Chair ordered the roll of the Senate to be called. Those present were:

Alting	Long
Antich-Carr	Lubbers
Bowser	Lutz
Bray	Meeks
Breaux	Merritt
Broden	Miller
Clark	Mishler
Craycraft <input checked="" type="checkbox"/>	Mrvan
Dillon	Nugent
Drozda	Paul
Ford	Riegsecker
Gard	Rogers
Garton	Server
Harrison	Simpson
Heinold	Sipes
Hershman	Skinner
Howard	Smith
Hume	Steele
Jackman <input checked="" type="checkbox"/>	Waltz
Kenley	Waterman
Kruse	Weatherwax
Lanane	Wyss
Landske	Young, M.
Lawson	Young, R. <input checked="" type="checkbox"/>
Lewis	Zakas

Roll Call 39: present 47; excused 3. [Note: A ☒ indicates those who were excused.] The Chair announced a quorum present. Pursuant to Senate Rule 5(d), no motion having been heard, the Journal of the previous day was considered read.

INTRODUCTION OF BILLS

The following bills and resolutions were read a first time by title and referred to the respective committees:

HB 1022 — Steele, Hume, Wyss, Ford (Homeland Security, Utilities, and Public Policy)

A BILL FOR AN ACT to amend the Indiana Code concerning military bases.

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Engrossed House Bill 1003, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 19, delete "following:".

Page 2, line 20, delete "(A) The".

Page 2, line 21, delete "IC 5-28-18." and insert "**IC 5-28-15.**".

Page 2, run in lines 19 through 21.

Page 2, delete lines 22 through 23.

Page 4, line 2, after "corporation" insert ".".

Page 4, line 2, strike "for use under".

Page 4, line 2, delete "IC 5-28-11.".

Page 4, line 6, delete "IC 5-28-19-2." and insert "**IC 5-28-16-2.**".

Page 7, line 42, delete "IC 5-28-18;" and insert "**IC 5-28-15;**".

Page 27, between lines 41 and 42, begin a new paragraph and insert:

"SECTION 25. IC 5-11-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: Sec]. 9. (a) The state examiner, personally or through the deputy examiners, field examiners, or private examiners, shall examine all accounts and all financial affairs of every public office and officer, state office, state institution, and entity.

(b) An examination of an entity deriving:

(1) less than fifty percent (50%); or

(2) at least fifty percent (50%) but less than one hundred thousand dollars (\$100,000) if the entity is organized as a not-for-profit corporation;

of its disbursements during the period of time subject to an examination from appropriations, public funds, taxes, and other sources of public expense shall be limited to matters relevant to the use of the public money received by the entity.

(c) The examination of an entity described in subsection (b) may be waived or deferred by the state examiner if the state examiner determines in writing that all disbursements of public money during the period subject to examination were made for the purposes for which the money was received. **However, the Indiana economic development corporation created by IC 5-28-3 and the corporation's funds, accounts, and financial affairs shall be examined biennially by the state board of accounts.**

(d) On every examination under this section, inquiry shall be made as to the following:

(1) The financial condition and resources of each municipality, office, institution, or entity.

(2) Whether the laws of the state and the uniform compliance guidelines of the state board of accounts established under section 24 of this chapter have been complied with.

(3) The methods and accuracy of the accounts and reports of the person examined.

The examinations shall be made without notice.

(e) If during an examination of a state office under this chapter the examiner encounters an inefficiency in the operation of the state office, the examiner may comment on the inefficiency in the examiner's report.

(f) The state examiner, deputy examiners, any field examiner, or any private examiner, when engaged in making any examination or when engaged in any official duty devolved upon them by the state examiner, is entitled to do the following:

(1) Enter into any state, county, city, township, or other public office in this state, or any entity, agency, or instrumentality, and examine any books, papers, documents, or electronically stored information for the purpose of making an examination.

(2) Have access, in the presence of the custodian or the custodian's deputy, to the cash drawers and cash in the custody of the officer.

(3) During business hours, examine the public accounts in any depository that has public funds in its custody pursuant to the laws of this state.

(g) The state examiner, deputy examiner, or any field examiner, when engaged in making any examination authorized by law, may issue subpoenas for witnesses to appear before the examiner in person or to produce books, papers, or other records (including records stored in electronic data processing systems) for inspection and examination. The state examiner, deputy examiner, and any field examiner may administer oaths and examine witnesses under oath orally or by interrogatories concerning the matters under investigation and examination. Under the authority of the state examiner, the oral examinations may be transcribed with the reasonable expense paid by the examined person in the same manner as the compensation of the field examiner is paid. The subpoenas shall be served by any person authorized to serve civil process from any court in this state. If a witness duly subpoenaed refuses to attend, refuses to produce information required in the subpoena, or attends and refuses to be sworn or affirmed, or to testify when called upon to do so, the examiner may apply to the circuit court having jurisdiction of the witness for the enforcement of attendance and answers to questions as provided by the law governing the taking of depositions."

Page 35, line 39, after "corporation" insert **"if the records are created"**.

Page 39, line 2, delete "The purpose of this article is" and insert **"(a) It is the intent of the general assembly"**.

Page 39, between lines 9 and 10, begin a new paragraph and insert:

"(b) The general assembly finds the following:

(1) Certain activities associated with the functions listed in subsection (a) may not work properly with the traditional responsibilities and activities of state agencies.

(2) The functions listed in subsection (a) can be achieved most efficiently by a body politic and corporate that:

(A) serves the interests of the state by carrying out the programs set forth in this article;

(B) is free from certain administrative restrictions that would hinder its performance; and

(C) possesses broad powers designed to maximize the state's economic development efforts.

(3) The corporation established by this article will:

(A) lead the state's economic development efforts;

(B) carry out the programs under this article, including the providing of grants and loans; and

(C) perform other essential public services for the state.

(4) In return for the corporation's economic development efforts to carry out the functions listed in subsection (a), the general assembly should appropriate state funds to the corporation."

Page 39, line 25, after "Sec 2." insert **"(a)"**.

Page 39, between lines 27 and 28, begin a new paragraph and insert:

"(b) The corporation and the corporation's funds, accounts, and financial affairs shall be examined biennially by the state board of accounts under IC 5-11."

Page 40, line 22, after "are" insert **"also"**.

Page 40, line 22, delete "actual and necessary" and insert **"traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the members' duties as approved by the budget agency."**

Page 40, delete line 23.

Page 40, line 39, after "3." insert **"(a)"**.

Page 41, between lines 1 and 2, begin a new paragraph and insert:

"(b) The corporation may enter into contracts without the approval of the attorney general or any other state officer."

Page 41, line 2, after "4." insert **"(a)"**.

Page 41, line 4, before "The" begin a new paragraph and insert: **"(b)"**.

Page 41, between lines 8 and 9, begin a new paragraph and insert:

"(c) The board may adopt a resolution to allow the corporation's employees to participate in group insurance and other benefit plans, including the state employees' deferred compensation plan, that are available to state employees."

Page 41, line 27, delete "may" and insert **"shall"**.

Page 41, line 27, delete ", policies, and guidelines" and insert **"under IC 4-22-2"**.

Page 41, line 28, delete "without complying with" and insert **"."**.

Page 41, line 29, delete "IC 4-22-2. However, the" and insert **"The"**.

Page 41, line 29, after "may" insert **"also"**.

Page 41, between lines 32 and 33, begin a new paragraph and insert:

"Sec. 10. An employee of the corporation is entitled to reimbursement for traveling expenses as provided under IC 4-13-1-4 and other expenses actually incurred in connection with the employee's duties as approved by the budget agency.

Sec. 11. The corporation may request appropriations from the general assembly to:

(1) carry out the corporation's duties under this article; and

(2) fund economic development and job creation programs.

Sec. 12. (a) The Indiana promotion fund is established within the state treasury.

(b) Except as provided in section 13 of this chapter, the corporation shall deposit the following in the fund:

(1) All funding received from the private sector under IC 5-28-6-1(6).

(2) All other gifts, donations, bequests, devises, and contributions received by the corporation.

(c) The corporation shall administer the fund. The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as public money may be invested. Interest that accrues from these investments shall be deposited in the fund.

(d) Money in the fund at the end of a state fiscal year does not revert to the state general fund.

(e) Except as provided in the terms of a gift, a donation, a contribution, a bequest, a devise, or other private sector funding, money in the fund may be used at the discretion of the board to carry out in any manner the corporation's purposes under this article.

(f) Money in the fund may be transferred to any fund administered by the corporation.

(g) Money in the fund is continuously appropriated to the corporation for the purposes of this article.

Sec. 13. (a) Notwithstanding section 12 of this chapter, the board may establish a nonprofit subsidiary corporation to solicit and accept private sector funding, gifts, donations, bequests, devises, and contributions.

(b) A subsidiary corporation established under this section:

(1) must use money received under subsection (a) to carry out in any manner the purposes and programs under this article;

(2) must report to the budget committee each year concerning:

(A) the use of money received under subsection (a); and

(B) the balances in any accounts or funds established by the subsidiary corporation; and

(3) may deposit money received under subsection (a) in an account or fund that is:

(A) administered by the subsidiary corporation; and

(B) not part of the state treasury.

(c) The state board of accounts shall annually audit a subsidiary corporation established under this section."

Page 42, line 10, delete "governor" and insert "general assembly in an electronic format under IC 5-14-6".

Page 42, delete lines 12 through 15.

Page 42, line 16, delete "3." and insert "2."

Page 42, line 40, after "the" insert "executive branch of the".

Page 43, line 37, delete "Implement" and insert "With the approval of the governor, implement".

Page 43, line 37, delete "a".

Page 43, line 37, delete "program" and insert "programs".

Page 45, line 35, after "established" insert "within the state treasury".

Page 45, line 36, delete "chapter, including paying for" and insert "chapter".

Page 45, delete lines 37 through 42.

Page 46, delete lines 1 through 5, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund."

Page 46, line 20, delete "established." and insert "established within the state treasury."

Page 46, line 22, delete "Indiana. The expenses of administering" and insert "Indiana for the purposes of this chapter."

Page 46, delete lines 23 through 31, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) Earnings from loans made under this chapter shall be deposited the fund.

(e) The money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

Sec. 6. (a) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(b) The treasurer of state shall also:"

Page 46, line 40, delete "administer the fund and".

Page 48, line 24, delete "IC 5-28-18" and insert "IC 5-28-15".

Page 49, line 24, delete "established." and insert "established within the state treasury."

Page 49, delete lines 29 through 35, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation and the state board of finance shall jointly administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) Earnings from loans made under this chapter shall be deposited the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the fund.

(f) The corporation, subject to the approval of the state board of finance, may adopt policies and guidelines for the proper administration of the fund and this chapter. The corporation may employ personnel necessary to efficiently administer this chapter."

Page 55, delete lines 16 through 42.

Delete pages 56 through 61.

Page 62, delete lines 1 through 9.

Page 62, line 10, delete "12." and insert "10."

Page 63, line 5, after "established" insert "**within the state treasury**".

Page 63, delete lines 9 through 11, begin a new paragraph and insert:

"**Sec. 8. The fund consists of appropriations from the general assembly.**"

Sec. 9. The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter."

Page 63, line 15, after "the" insert "**state general**".

Page 65, line 2, delete "13." and insert "11."

Page 65, line 9, delete "IC 5-28-18" and insert "**IC 5-28-15**".

Page 66, delete lines 41 through 42.

Delete page 67.

Page 68, delete lines 1 through 18.

Page 68, line 19, delete "15." and insert "12."

Page 69, line 15, delete "16." and insert "13."

Page 70, line 25, delete "17." and insert "14."

Page 71, line 18, after "established" insert "**within the state treasury**".

Page 71, line 19, delete "fund to be administered by the corporation." and insert "**fund**".

Page 71, delete lines 22 through 24, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund."

Page 72, line 29, delete "18." and insert "15."

Page 76, line 3, delete "established. Revenue from" and insert "**established within the state treasury**".

Page 76, delete lines 4 through 9, begin a new paragraph and insert:

"(b) The fund consists of:

(1) the revenue from the registration fee required under section 5 of this chapter; and

(2) appropriations from the general assembly.

(c) The corporation shall administer the fund. The fund may be used to:

(1) pay the expenses of administering the fund;"

Page 76, line 10, after "pay" insert "**nonrecurring**".

Page 76, line 19, after "invested." insert "**Interest that accrues from these investments shall be deposited in the state general fund**".

Page 76, line 21, delete "The corporation may, after".

Page 76, delete lines 22 through 24.

Page 85, line 42, delete "19." and insert "16."

Page 86, line 6, after "established" insert "**within the state treasury**".

Page 86, delete lines 22 through 23, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) Earnings from loans made under this chapter shall be deposited the fund."

Page 86, line 24, delete "and grants to the fund."

Page 86, line 24, before "The" begin a new paragraph and insert:

"(e)".

Page 86, line 30, delete "(c)" and insert "(f)".

Page 86, line 32, after "invested." insert "**Interest that accrues from these investments shall be deposited in the state general fund**".

Page 86, line 33, delete "(d)" and insert "(g)".

Page 89, between lines 7 and 8, begin a new paragraph and insert:

"(f) A grant or loan from the fund may not be approved or recommended to the budget agency by the board unless the grant or loan has received a positive recommendation from a peer review panel described in this section."

Page 89, line 21, delete "20." and insert "17."

Page 89, line 22, delete "following:" and insert "**following to carry out this chapter:**".

Page 89, line 38, delete "IC 5-28-21." and insert "**IC 5-28-18**".

Page 89, line 40, delete "IC 5-28-21." and insert "**IC 5-28-18**".

Page 89, line 42, delete "IC 5-28-23." and insert "**IC 5-28-20**".

Page 90, line 2, delete "IC 5-28-22." and insert "**IC 5-28-19**".

Page 90, line 3, delete "following:" and insert "**following to carry out this chapter:**".

Page 90, line 6, delete "do" and insert "**Do**".

Page 90, line 28, delete "IC 5-28-23;" and insert "**IC 5-28-20**";

Page 90, line 30, delete "IC 5-28-21." and insert "**IC 5-28-18**".

Page 90, line 33, after "the" insert "**small business development**".

Page 90, line 33, delete "this" and insert "**IC 4-3-12 (before its repeal)**".

Page 90, line 34, delete "chapter".

Page 90, line 36, after "statutes." insert "**The corporation may not incur debt under this chapter**".

Page 90, line 37, delete "21." and insert "18."

Page 92, line 18, delete "established." and insert "**established within the state treasury**".

Page 92, line 20, delete "IC 5-28-20;" and insert "**IC 5-28-17;**".

Page 92, line 23, delete "IC 5-28-23-9;" and insert "**IC 5-28-20-9; and**".

Page 92, line 25, delete "IC 5-28-22; and" and insert "**IC 5-28-19.**".

Page 92, delete lines 26 through 34, begin a new paragraph and insert:

"(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter, IC 5-28-19, and IC 5-28-20.

(d) Earnings from loans made under this chapter shall be deposited the fund."

Page 92, line 35, delete "(c)" and insert "(e)".

Page 92, line 37, after "invested." insert "**Interest that accrues from these investments shall be deposited in the state general fund."**

Page 92, line 38, delete "(d)" and insert "(f)".

Page 92, line 40, delete "(e)" and insert "(g)".

Page 96, line 35, delete "22." and insert "**19.**".

Page 98, line 33, delete "IC 5-28-21-7" and insert "**IC 5-28-18-7.**".

Page 99, line 4, delete "23." and insert "**20.**".

Page 99, line 13, delete "IC 5-28-21-7." and insert "**IC 5-28-18-7.**".

Page 101, line 20, delete "24." and insert "**21.**".

Page 101, line 39, delete "established." and insert "**established within the state treasury.**".

Page 101, line 40, delete "fund to:" and insert "**fund. The fund shall be used to provide grants, loans, and loan guarantees under this chapter.**

(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

(1) Expenses of administering the fund.

(2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter."

Page 101, delete lines 41 through 42.

Page 102, delete lines 1 through 2.

Page 102, line 3, delete "(b)" and insert "(d)".

Page 102, line 5, after "invested." insert "**Interest that accrues from these investments shall be deposited in the state general fund."**

Page 102, line 6, delete "(c)" and insert "(e)".

Page 102, line 8, delete "(d)" and insert "(f)".

Page 106, line 3, delete "25." and insert "**22.**".

Page 106, line 6, after "commercial" insert ",".

Page 106, line 31, delete "IC 5-14-6;" and insert "**IC 5-14-6).**".

Page 106, line 32, delete "the report".

Page 106, line 40, delete "a" and insert "**any**".

Page 106, line 40, after "source," delete "may".

Page 106, line 40, after "money," delete "may".

Page 106, line 41, delete "may".

Page 107, line 42, after "the" insert "**business modernization and technology**".

Page 107, line 42, delete "this" and insert "**IC 4-3-1 (before its repeal)**".

Page 108, line 1, delete "chapter".

Page 108, line 3, after "statutes." insert "**The corporation may not incur debt under this chapter.**".

Page 108, between lines 7 and 8, begin a new paragraph and insert:

"Chapter 23. Investment Incentive Program

Sec. 1. As used in this chapter, "municipality" means a city or town.

Sec. 2. The corporation shall establish policies to carry out an investment incentive program. The purpose of the program is to provide grants and loans to counties and municipalities that will, in turn, be loaned to certain new or expanding businesses for construction or for the purchase of real or personal property.

Sec. 3. (a) The corporation shall adopt policies and guidelines to establish the criteria for awarding grants and loans to counties and municipalities.

(b) The criteria for awarding the grants and loans must include the:

(1) economic need of the county or municipality;

(2) impact of the new or expanding business on employment and output in the county or municipality;

(3) importance of state participation to the investment decision;

(4) impact of state assistance to job production in the county or municipality; and

(5) extent of other public and private participation.

Sec. 4. (a) The corporation shall establish criteria to guide counties and municipalities in making loans to businesses.

(b) The terms of the loans must include provisions stating that:

(1) loans shall be restricted to enterprises that create new and permanent jobs;

(2) loans may not exceed the greater of:

(A) ten percent (10%) of the total investment; or

(B) two hundred fifty thousand dollars (\$250,000); and

(3) the principal and interest on the loan must be repaid to the county or municipality.

(c) All loans by a county or municipality under this chapter are subject to approval by the office.

Sec. 5. The corporation may:

(1) adopt policies and guidelines to carry out this chapter;

(2) accept money and other things of value from all sources;

(3) provide services and materials to carry out the purposes of the program;

(4) evaluate the program; and

(5) involve other entities, by contract or otherwise, in carrying out the purposes of the program.

Sec. 6. (a) The repayment proceeds of a loan made from a grant under this chapter shall be used by the county or municipality for any economic or community development activity, including:

- (1) making loans to businesses; and
- (2) the construction or reconstruction of any street, sewer, or other capital improvement that will promote economic development in the community or the repayment of bonds used to finance the construction or reconstruction.

(b) All uses of repaid loan proceeds by a county or municipality under this chapter are subject to approval by the corporation.

Sec. 7. The corporation may not make a grant from state appropriated funds to a county or municipality under this chapter unless the county or municipality agrees to lend to the new or expanding business an amount greater than or equal to the state grant.

Sec. 8. (a) A loan to a county or municipality made under this chapter is not a general obligation of the county or municipality and is payable solely from revenues derived from the new or expanding business.

(b) Before making a loan to a county or municipality, the corporation shall determine that there is reasonable assurance that the loan will be repaid. In making this determination, the corporation shall consider:

- (1) the financial condition of the business;
- (2) the financial feasibility of the expansion being undertaken by the business;
- (3) the adequacy of collateral for the loan; and
- (4) any other information that the corporation considers relevant to its determination.

Sec. 9. (a) The investment incentive fund is established within the state treasury to provide grants and loans to counties and municipalities.

(b) The fund consists of appropriations from the general assembly and loan repayments.

(c) The corporation shall administer the fund. The following may be paid from money in the fund:

- (1) Expenses of administering the fund.
- (2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(d) Earnings from loans made under this chapter shall be deposited the fund.

(e) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

Chapter 24. Industrial Development Grant Fund

Sec. 1. As used in this chapter, "eligible entity" means:

- (1) a city;
- (2) a town;
- (3) a county;
- (4) a special taxing district;
- (5) an economic development commission established under IC 36-7-12;
- (6) a nonprofit corporation;
- (7) a corporation established under IC 23-7-1.1 (before its repeal on August 1, 1991) or IC 23-17 to distribute water for domestic and industrial use;
- (8) a regional water, sewage, or solid waste district;

(9) a conservancy district that includes in its purpose the distribution of domestic water or the collection and treatment of waste; or

(10) the Indiana development finance authority established under IC 4-4-11.

Sec. 2. As used in this chapter, "fund" refers to the industrial development grant fund established by section 4 of this chapter.

Sec. 3. As used in this chapter, "industrial development program" means a program designed to aid economic development in Indiana and includes:

- (1) the construction of airports, airport facilities, and tourist attractions;
- (2) the construction, extension, or completion of:
 - (A) sanitary sewerlines, storm sewers, and other related drainage facilities;
 - (B) waterlines;
 - (C) roads and streets;
 - (D) sidewalks;
 - (E) rail spurs and sidings; and
 - (F) information and high technology infrastructure (as defined in IC 5-28-9-4);
- (3) the leasing, purchase, construction, repair, and rehabilitation of property, both real and personal; and
- (4) the preparation of surveys, plans, and specifications for the construction of publicly owned and operated facilities, utilities, and services.

Sec. 4. (a) The industrial development grant fund is established within the state treasury. Grants may be made from the fund to eligible entities in accordance with this chapter and the rules adopted under this chapter.

(b) The corporation may receive and accept, for purposes of the fund, grants, gifts, and contributions from public and private sources, including, on behalf of the state, grants from agencies and instrumentalities of the United States.

(c) The fund consists of appropriations from the general assembly.

(d) The corporation shall administer the fund. The following may be paid from money in the fund:

- (1) Expenses of administering the fund.
- (2) Nonrecurring administrative expenses incurred to carry out the purposes of this chapter.

(e) Money in the fund at the end of a state fiscal year does not revert to the state general fund but remains in the fund.

(f) The treasurer of state shall invest the money in the fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested. Interest that accrues from these investments shall be deposited in the state general fund.

Sec. 5. (a) The secretary of commerce, subject to the approval of the governor and budget director, may direct the auditor of state to make an approved grant from the fund to an eligible entity.

(b) The money granted must be used by the recipient to institute and administer an approved industrial development program.

Chapter 25. Indiana Economic Development Council

Sec. 1. As used in this chapter, "board" refers to the board of directors of the council.

Sec. 2. (a) As used in this chapter, "council" refers to the Indiana economic development council established by this section.

(b) The Indiana economic development council is established.

Sec. 3. (a) The articles of incorporation or bylaws of the council, as appropriate, must provide that:

(1) the exclusive purpose of the council is to contribute to the strengthening of the economy of Indiana by:

(A) coordinating the activities of parties having a role in Indiana's economic development through evaluating, overseeing, and appraising those activities on an ongoing basis;

(B) overseeing the implementation of Indiana's economic development plan and monitoring the updates of that plan; and

(C) educating and assisting parties involved in improving the long range vitality of Indiana's economy;

(2) the board must include:

(A) the chairperson of the Indiana economic development corporation or the chairperson's designee;

(B) the chief operating officer of the council; and

(C) additional individuals appointed by the governor who are actively engaged in Indiana in:

(i) private enterprise;

(ii) organized labor;

(iii) state or local government, which may include individuals elected to a state, legislative, local, or school board office and individuals appointed to positions in state or local government; and

(iv) education;

and who represent the diverse economic and regional interests throughout Indiana;

(3) the chairperson of the Indiana economic development corporation or the chairperson's designee shall serve as chairperson of the board of the council and shall appoint a person to serve as the chief executive officer of the council;

(4) the chairperson of the Indiana economic development corporation or the chairperson's designee shall appoint as vice chairperson of the board a member of the board engaged in private enterprise;

(5) the chief executive officer shall oversee implementation of Indiana's economic development plan as articulated by the council and shall oversee the activities of the council's chief operating officer;

(6) the chairperson of the Indiana economic development corporation or the chairperson's designee may appoint an executive committee composed of members of the board (size and structure of the executive committee shall be set by the articles and bylaws of the council);

(7) the council may receive funds from any source and may expend funds for activities necessary, convenient, or expedient to carry out its purposes;

(8) amendments to the articles of incorporation or bylaws of the council must be approved by the governor;

(9) the council shall submit an annual report to the governor and to the general assembly not later than November 1 for each year;

(10) the council shall conduct an annual public hearing to receive comment from interested parties regarding the annual report, and notice of the hearing shall be given at least fourteen (14) days before the hearing in accordance with IC 5-14-1.5-5(b); and

(11) the council is subject to an annual audit by the state board of accounts, and the council shall bear the full costs of this audit.

The report to the general assembly under subdivision (9) must be in an electronic format under IC 5-14-6.

(b) The budget of the council must be approved by the board of the Indiana economic development corporation established by IC 5-28-3-1.

(c) The council shall do the following:

(1) Report to the chairperson of the Indiana economic development corporation at least quarterly regarding the operations of the council.

(2) Provide information requested by the chairperson or the board of the Indiana economic development corporation.

(d) The council may perform other acts necessary, convenient, or expedient to carry out the purposes identified in this section and has the rights, powers, and privileges granted to corporations by IC 23-17 and by common law.

Sec. 4. The council may, in furtherance of its purpose described in section 3(a)(1) of this chapter, engage in the following activities:

(1) Update, revise, and manage the state's strategic planning process to adapt to changes in society and in the economy, and to thereby combat community deterioration by ensuring that effective methods are developed for improving Indiana's economy.

(2) Establish and coordinate the operation of programs commonly available to all citizens of Indiana to implement a strategic plan for Indiana's economic development and to enhance the general welfare.

(3) Evaluate and analyze Indiana's economy to determine the direction of future public and private actions, and report and make recommendations to the governor with respect to Indiana's economy.

Sec. 5. Debt incurred by the council under authority of this chapter does not represent or constitute a debt of the state within the meaning of the Constitution of the State of Indiana or Indiana statutes."

Page 108, line 13, delete "IC 5-28-24;" and insert "IC 5-28-21;"

Page 109, line 16, delete "IC 5-28-18-15." and insert "IC 5-28-15-15."

Page 110, line 5, delete "IC 5-28-18" and insert "IC 5-28-15."

Page 110, line 25, delete "IC 5-28-18-7." and insert "IC 5-28-15-7."

Page 110, line 28, delete "IC 5-28-18-13" and insert "IC 5-28-15-13".

Page 118, line 22, delete "IC 5-28-18." and insert "IC 5-28-15."

Page 121, line 19, delete "IC 5-28-18." and insert "IC 5-28-15."

Page 122, line 9, delete "IC 5-28-18-5;" and insert "IC 5-28-15-5;"

Page 122, line 12 delete "IC 5-28-18-5(b);" and insert "IC 5-28-15-5(b);".

Page 122, line 15, delete "IC 5-28-18" and insert "**IC 5-28-15**".

Page 123, line 22, delete "IC 5-28-18." and insert "**IC 5-28-15**".

Page 125, line 20, delete "IC 5-28-18." and insert "**IC 5-28-15**".

Page 125, line 39, delete "IC 5-28-18;" and insert "**IC 5-28-15**";

Page 126, line 10, delete "IC 5-28-18" and insert "**IC 5-28-15**".

Page 126, line 31, delete "IC 5-28-18-1)." and insert "**IC 5-28-15-1**".

Page 128, line 25, delete "IC 5-28-18-11." and insert "**IC 5-28-15-11**".

Page 130, line 13, delete "IC 5-28-18-1)." and insert "**IC 5-28-15-1**".

Page 135, line 15, delete ", policies, and guidelines".

Page 135, line 15, reset in roman "under IC 4-22-2".

Page 135, line 16, delete "chapter without complying with IC 4-22-2." and insert "chapter."

Page 135, line 16, delete ", policies,".

Page 135, line 17, delete "and guidelines".

Page 135, line 28, after delete "fees," and insert "fees **and**".

Page 135, line 29, delete "assembly," and insert "assembly."

Page 135, line 29, strike "and gifts and grants to the fund."

Page 135, line 33, after "the" insert "**state general**".

Page 139, line 35, after "commerce" delete "the".

Page 150, line 32, delete "IC 5-28-18-5(a)(4)(A)." and insert "**IC 5-28-15-5(a)(4)(A)**".

Page 150, line 33, delete "IC 5-28-18-5(a)(4)(A)," and insert "**IC 5-28-15-5(a)(4)(A)**".

Page 162, line 2, delete "IC 5-28-18-14(b)(3)." and insert "**IC 5-28-15-14(b)(3)**".

Page 162, line 5, delete "IC 5-28-18-13." and insert "**IC 5-28-15-13**".

Page 169, line 7, delete "IC 5-28-18," and insert "**IC 5-28-15**".

Page 170, line 41, delete "IC 5-28-18-14(b)(3)." and insert "**IC 5-28-15-14(b)(3)**".

Page 171, line 2, delete "IC 5-28-18-13." and insert "**IC 5-28-15-13**".

Page 176, line 22, delete "IC 5-28-18," and insert "**IC 5-28-15**".

Page 181, line 20, delete "IC 5-28-18," and insert "**IC 5-28-15**".

Page 186, line 18, delete "IC 5-28-18," and insert "**IC 5-28-15**".

Page 191, line 32, after "IC 4-4-8;" insert "IC 4-4-12;"

Page 191, line 32, after "IC 4-4-13;" insert "IC 4-4-14;"

Page 192, line 12, after "considered," insert "**on and**".

Page 192, line 13, delete "beginning on".

Page 192, line 28, after "act" insert ", **as determined by the budget agency**".

Page 193, delete line 8.

Page 193, line 9, delete "(5)" and insert "(4)".

Page 193, line 10, delete "(6)" and insert "(5)".

Page 193, line 11, delete "(7)" and insert "(6)".

Page 193, line 12, delete "(8)" and insert "(7)".

Page 193, delete line 13.

Page 193, line 22, reset in roman "adopts".

Page 193, line 37, after "act" insert ", **as determined by the budget agency**".

Page 194, line 36, after "act" insert ", **as determined by the budget agency**".

Page 194, line 38, after "act." insert "**However, twenty**

thousand dollars (\$20,000) of the appropriations made to the department of commerce before the effective date of this act shall on the effective date of this act be transferred to the Indiana promotion fund established by IC 5-28-5-12, as added by this act."

Page 195, line 28, after "entity" insert "**before it is abolished by subdivision (7)**".

Page 195, line 36, after "entity" insert "**that relate to economic development, as determined by the budget agency**".

Page 195, line 37, after "corporation." insert "**Any appropriations to a covered economic development entity relating to community development, tourism, or energy, as determined by the budget agency, and any funds relating to community development, tourism, or energy, as determined by the budget agency, that are under the control of a covered economic development entity are transferred to the office of the lieutenant governor.**".

Renumber all SECTIONS consecutively.

(Reference is to HB 1003 as reprinted January 11, 2005.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Appropriations, to which was referred Senate Bill 278, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 4-33-4-23 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 23. (a) An operating agent or a person holding an owner's license must report annually to the commission the following:**

(1) The total dollar amounts and recipients of incentive payments made to political subdivisions or the state.

(2) Any other items related to the payments described in subdivision (1) that the commission may require.

(b) The commission shall prescribe, with respect to the report required by subsection (a):

(1) the format of the report;

(2) the deadline by which the report must be filed; and

(3) the manner in which the report must be maintained and filed."

Page 2, delete lines 37 through 42.

Page 3 delete lines 1 through 8.

Page 3, line 9, delete "(f)" and insert "(c)".

Renumber all SECTIONS consecutively.

(Reference is to SB 278 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MEEKS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between lines 4 and 5, begin a new paragraph and insert: "SECTION 2. IC 31-17-2-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. Upon:

- (1) the court's own motion;
- (2) the motion of a party;
- (3) the motion of the child; ~~or~~
- (4) the motion of the child's guardian ad litem; ~~or~~
- (5) the motion of the court appointed special advocate;**

the court may order the custodian or the joint custodians to obtain counseling for the child under such terms and conditions as the court considers appropriate."

Page 3, between lines 14 and 15, begin a new paragraph and insert:

"SECTION 4. IC 31-34-2.5-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Whenever a child is taken into custody without a court order under this chapter, the attorney for the county office of family and children shall, without unnecessary delay, request the juvenile court to:

- (1) authorize the filing of a petition alleging that the child is a child in need of services;
- (2) hold an initial hearing under IC 31-34-10 not later than the next business day after the child is taken into custody; and
- (3) appoint a guardian ad litem **or a court appointed special advocate** for the child."

Page 3, line 34, delete "best" and insert "**best**".

Page 3, after line 34, begin a new paragraph and insert:

"SECTION 6. IC 31-34-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

(b) The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

- (1) The child.
- (2) The child's parent, guardian, custodian, ~~or~~ guardian ad litem, **or court appointed special advocate.**
- (3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure.

SECTION 7. IC 31-34-22-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) Except as provided in subsection (b), a report prepared by the state:

- (1) for the juvenile court's review of the court's dispositional decree; or
- (2) prepared for use at a periodic case review under IC 31-34-21-2 or hearing under IC 31-34-21-7;

shall be made available to the child and the child's parent, guardian, guardian ad litem, **court appointed special advocate**, or custodian within a reasonable time after the report's presentation to the court or before the hearing.

(b) If the court determines on the record that the report contains information that should not be released to the child or the child's parent, guardian, or custodian, the court shall provide a copy of the

report to the following:

- (1) Each attorney or guardian ad litem representing the child.
- (2) Each attorney representing the child's parent, guardian, or custodian.
- (3) Each court appointed special advocate.

(c) The court may also provide a factual summary of the report to the child or the child's parent, guardian, or custodian.

(d) In addition to the requirements of subsection (a), any report prepared by the state for the juvenile court's review shall also be made available to any court appointed special advocate within the same time period and in the same manner as required in the case of a parent under subsection (a). However, if under subsection (a) the court determines on the record that the report contains information that should not be released to the parent, the court shall still provide a copy of the report to any court appointed special advocate.

SECTION 8. IC 31-34-23-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. While the juvenile court retains jurisdiction under IC 31-30-2, the juvenile court may modify any dispositional decree:

- (1) upon the juvenile court's own motion;
- (2) upon the motion of:
 - (A) the child;
 - (B) the child's:
 - (i) parent;
 - (ii) guardian;
 - (iii) custodian;
 - (iv) court appointed special advocate; or**
 - (v) guardian ad litem;
 - (C) the probation officer;
 - (D) the caseworker;
 - (E) the prosecuting attorney; or
 - (F) the attorney for the county office of family and children; or
- (3) upon the motion of any person providing services to the child or to the child's parent, guardian, or custodian under a decree of the court.

SECTION 9. IC 31-34-23-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. If a hearing is required, IC 31-34-18 governs the preparation and use of a modification report. The report shall be prepared if the state or any person other than the child or the child's parent, guardian, guardian ad litem, **court appointed special advocate**, or custodian is requesting the modification."

Renumber all SECTIONS consecutively.

(Reference is to SB 340 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 372, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 40, delete "." and insert **"out of the funds appropriated for tuition support."**

(Reference is to SB 372 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 11, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 285, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 2.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 231, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 26, reset in roman "subject to subsection (g),".

Page 2, line 27, reset in roman "shall".

Page 2, line 27, delete "may".

(Reference is to SB 231 as introduced.)
and when so amended that said bill be reassigned to the Senate Committee on Appropriations.
Committee Vote: Yeas 11, Nays 0.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Education and Career Development, to which was referred Senate Bill 194, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 39, delete "this matter is bargained" and insert **"teachers employed by the school corporation are represented by an exclusive representative,"**.

Page 4, line 40, delete "collectively,".

Page 5, line 2, after "representative." insert **"If multiplying the number of teacher positions on the committee by the percentage of teachers in the school corporation who are members of the exclusive representative does not produce a whole number, round the product up to the nearest whole number."**

(Reference is to SB 194 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 7, Nays 4.

LUBBERS, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 298, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 4, delete "entities" and insert **"persons"**.

Page 2, line 2, strike "entities." and insert **"persons."**.

Page 2, line 6, delete "entities" and insert **"persons"**.

Page 2, line 20, strike "entities" and insert **"persons"**.

Page 2, line 32, strike "entities" and insert **"persons"**.

Page 3, line 4, delete "entity" and insert **"person"**.

Page 3, line 10, delete "entities;" and insert **"persons;"**.

Page 3, line 12, delete "entities" and insert **"persons"**.

Page 3, line 16, delete "entities" and insert **"persons"**.

Renumber all SECTIONS consecutively.

(Reference is to SB 298 as introduced.)
and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 306, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, line 42, delete "and" and insert **";"**.

Page 3, line 1, delete "placement on a temporary support;".

Page 3, line 8, delete **","**.

Page 3, line 8, strike "other than mobile homes on".

Page 3, line 9, strike "permanent foundations,".

Page 3, line 9, strike "harbored on temporary supports" and insert **"located"**.

Page 3, line 16, strike "(other than mobile homes on".

Page 3, line 17, strike "permanent foundations".

Page 3, line 17, delete "or manufactured homes on permanent".

Page 3, line 18, delete "foundations)".

Page 9, line 26, delete "or" and insert **"of"**.

Page 12, line 9, delete "certified" and insert **"licensed"**.

(Reference is to SB 306 as introduced.)
and when so amended that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 209, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 241, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 308, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Governmental Affairs and Interstate Cooperation, to which was referred Senate Bill 111, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

RIEGSECKER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 223, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 2, after line 29, begin a new paragraph and insert:

"SECTION 2. IC 9-24-16-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) An identification card must have the same dimensions and shape as a driver's license, but the card must have markings sufficient to distinguish the card from a driver's license.

(b) The front side of an identification card must contain the following information about the individual to whom the card is being issued:

- (1) Full legal name.
- (2) Mailing address and, if different from the mailing address, the residence address.
- (3) Date of birth.
- (4) Date of issue and date of expiration.
- (5) Distinctive identification number or Social Security account number, whichever is requested by the individual.
- (6) Sex.

(7) Weight.

(8) Height.

(9) Color of eyes and hair.

(10) Reproduction of the signature of the individual identified.

(11) Whether the individual is blind (as defined in IC 12-7-2-21(1)).

(12) If the individual is less than eighteen (18) years of age at the time of issuance, the dates on which the individual will become:

(A) eighteen (18) years of age; and

(B) twenty-one (21) years of age.

(13) If the individual is at least eighteen (18) years of age but less than twenty-one (21) years of age at the time of issuance, the date on which the individual will become twenty-one (21) years of age.

(14) Photograph or computerized image.

(15) If the individual provides documentation from a medical laboratory or a blood center (as defined in IC 16-41-12-3), the individual's blood type, including the rhesus (Rh) factor.

(c) The information contained on the identification card as required by subsection (b)(12) or (b)(13) for an individual who is less than twenty-one (21) years of age at the time of issuance shall be printed perpendicular to the bottom edge of the permit or license."

(Reference is to SB 223 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 282, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 30, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Commerce and Transportation, to which was referred Senate Bill 79, has had the same under consideration and begs leave to report the same back to

the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

SERVER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 115, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.
Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill 363, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 4, line 4, after "section" insert "5,".

Page 4, line 4, delete "6" and insert "6,".

(Reference is to SB 363 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Appropriations.

Committee Vote: Yeas 9, Nays 0.

BRAY, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 420, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 12-17.2-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The division shall perform the following duties:

- (1) Administer the licensing and monitoring of child care centers or child care homes in accordance with this article.
- (2) Ensure that a national criminal history background check of the applicant is completed through the state police department under IC 5-2-5-15 before issuing a license.
- (3) Ensure that a criminal history background check of a child care ministry applicant for registration is completed before registering the child care ministry.
- (4) Provide for the issuance, denial, suspension, and revocation of licenses.
- (5) Cooperate with governing bodies of child care centers and child care homes and their staffs to improve standards of child care.
- (6) Prepare at least biannually a directory of licensees with a description of the program capacity and type of children

served that will be distributed to the legislature, licensees, and other interested parties as a public document.

(7) Deposit all license application fees collected under section 2 of this chapter in the child care fund.

(8) Require each child care center or child care home to record proof of a child's date of birth before accepting the child. A child's date of birth may be proven by the child's original birth certificate or other reliable proof of the child's date of birth, including a duly attested transcript of a birth certificate.

(9) Provide, not later than January 1, 2004, an Internet site through which members of the public may obtain the following information:

(A) Information concerning violations of this article by a licensed child care provider, including:

(i) the identity of the child care provider;

(ii) the date of the violation; and

(iii) action taken by the division in response to the violation.

(B) Current status of a child care provider's license.

(C) Other relevant information.

The Internet site may not contain the address of the child care center or the child care home. However, the site may include the county in which the child care provider is located."

Page 2, between lines 24 and 25, begin a new paragraph and insert:

"SECTION 3. IC 12-17.2-5-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) To qualify for a license to operate a class II child care home under this chapter, a person must do the following:

(1) Provide all child care services on the first story of the child care home unless the class II child care home meets the exceptions to the first story requirements contained in the Indiana building code adopted by the fire prevention and building safety commission in effect at the time the class II child care home provider applies for licensure.

(2) Provide a smoke detection system that is:

(A) hard wired to the building's electrical system; and

(B) wired in a manner that activates all of the detector devices in the building when one (1) detector device is activated.

(3) Provide a fire extinguisher in each room that is used to provide child care services.

(4) Meet:

(A) the exit requirements for an E-3 building occupancy classification under the Indiana building code adopted by the fire prevention and building safety commission, **except for any illumination requirements**, in effect at the time the class II child care home provider **initially** applies for licensure; **and**

(B) **the illumination requirements established in section 6.3(b)(2)(D) of this chapter.**

(5) Provide a minimum of thirty-five (35) square feet for each child.

(6) Conduct fire drills required under article 37 of the Indiana fire prevention code adopted by the fire prevention and building safety commission in effect at the time the class II

child care home provider applies for licensure.

(7) Apply for a license before July 1, 1996, or after June 30, 2001.

(8) Comply with rules adopted by the division of family and children for class II child care homes.

(b) To qualify for a license to operate a class II child care home under this chapter, a person, before applying for the license, must have:

(1) a class I child care home license; or

(2) at least one (1) year of experience as a caregiver in a child care home or child care center."

Page 2, line 26, delete "(a)".

Page 2, line 28, delete "." and insert "as follows:

(1) For a child who is less than eight (8) months of age, the child must be in the caregiver's hearing and line of sight at all times.

(2) For a child who is at least eight (8) months of age but less than two (2) years of age, the child must be in the caregiver's line of sight at all times, except that:

(A) the child may be asleep outside the caregiver's line of sight as long as the caregiver can hear the child; and

(B) the caregiver may attend to personal needs for not more than five (5) minutes as long as the caregiver assures for the safety of the child during that time.

(3) For a child who is less than five (5) years of age, the child may not be left inside the premises or outside the premises while in the care of the caregiver without supervision by the caregiver."

Page 2, delete lines 29 through 33.

Renumber all SECTIONS consecutively.

(Reference is to SB 420 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 106, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 27-8-5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) No individual policy of accident and sickness insurance shall be delivered or issued for delivery to any person in this state unless it complies with each of the following:

(1) The entire money and other considerations for the policy are expressed in the policy.

(2) The time at which the insurance takes effect and terminates is expressed in the policy.

(3) The policy purports to insure only one (1) person, except that a policy may insure, originally or by subsequent amendment, upon the application of any member of a family who shall be deemed the policyholder and who is at least

eighteen (18) years of age, any two (2) or more eligible members of that family, including husband, wife, dependent children or any children under a specified age, which shall not exceed nineteen (19) years, and any other person dependent upon the policyholder.

(4) The style, arrangement, and overall appearance of the policy give no undue prominence to any portion of the text, and unless every printed portion of the text of the policy and of any endorsements or attached papers is plainly printed in lightface type of a style in general use, the size of which shall be uniform and not less than ten point with a lower-case unspaced alphabet length not less than one hundred and twenty point (the "text" shall include all printed matter except the name and address of the insurer, name or title of the policy, the brief description if any, and captions and subcaptions).

(5) The exceptions and reductions of indemnity are set forth in the policy and, except those which are set forth in section 3 of this chapter, are printed, at the insurer's option, either included with the benefit provision to which they apply, or under an appropriate caption such as "EXCEPTIONS", or "EXCEPTIONS AND REDUCTIONS", provided that if an exception or reduction specifically applies only to a particular benefit of the policy, a statement of such exception or reduction shall be included with the benefit provision to which it applies.

(6) Each such form of the policy, including riders and endorsements, shall be identified by a form number in the lower left-hand corner of the first page of the policy.

(7) The policy contains no provision purporting to make any portion of the charter, rules, constitution, or bylaws of the insurer a part of the policy unless such portion is set forth in full in the policy, except in the case of the incorporation of or reference to a statement of rates or classification of risks, or short-rate table filed with the commissioner.

(8) If an individual accident and sickness insurance policy or hospital service plan contract or medical service plan contract provides that hospital or medical expense coverage of a dependent child terminates upon attainment of the limiting age for dependent children specified in such policy or contract, the policy or contract must also provide that attainment of such limiting age does not operate to terminate the hospital and medical coverage of such child while the child is and continues to be both:

(A) incapable of self-sustaining employment by reason of mental retardation or mental or physical disability; and

(B) chiefly dependent upon the policyholder for support and maintenance.

Proof of such incapacity and dependency must be furnished to the insurer by the policyholder within thirty-one (31) days of the child's attainment of the limiting age. The insurer may require at reasonable intervals during the two (2) years following the child's attainment of the limiting age subsequent proof of the child's disability and dependency. After such two (2) year period, the insurer may require subsequent proof not more than once each year. The foregoing provision shall not require an insurer to insure a dependent who is a mentally retarded or mentally or physically disabled child where such dependent does not satisfy the conditions

of the policy provisions as may be stated in the policy or contract required for coverage thereunder to take effect. In any such case the terms of the policy or contract shall apply with regard to the coverage or exclusion from coverage of such dependent.

This subsection applies only to policies or contracts delivered or issued for delivery in this state more than one hundred twenty (120) days after August 18, 1969.

(b) If any policy is issued by an insurer domiciled in this state for delivery to a person residing in another state, and if the official having responsibility for the administration of the insurance laws of such other state shall have advised the commissioner that any such policy is not subject to approval or disapproval by such official, the commissioner may by ruling require that such policy meet the standards set forth in subsection (a) and in section 3 of this chapter.

(c) The insurer may issue the policy in electronic or paper form."

Page 7, between lines 10 and 11, begin a new paragraph and insert:

"SECTION 3. IC 27-8-5.5-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The commissioner shall prescribe by rule, after consultation with providers of health care or treatment, accident and sickness insurers, hospital, medical, and dental service corporations and other prepayment organizations, such accident and sickness insurance claim forms as the commissioner determines will provide for uniformity and simplicity in insurance reporting. The forms shall include, but need not be limited to, information regarding the medical diagnosis, treatment and prognosis of the patient, together with the details of charges incident to the providing of care, treatment or services, sufficient for the purpose of meeting the proof requirements of an accident or sickness insurance policy or a hospital, medical, or dental service contract.

(b) An accident and sickness insurer may not refuse to accept a claim submitted on duly promulgated uniform claim forms. However, an insurer may accept claims submitted on any other form.

(c) Accident and sickness insurer explanation of benefits paid statements or claims summary statements sent to an insured by the accident and sickness insurer **may be sent in electronic or paper form and** shall be in a format and written in a manner that promotes understanding by the insured by setting forth:

- (1) the total dollar amount submitted to the insurer for payment;
- (2) any reduction in the amount paid due to the application of any co-payment or deductible, along with an explanation of the amount of the co-payment or deductible applied under the insured's policy;
- (3) any reduction in the amount paid due to the application of any other policy limitation or exclusion as set forth in the insured's policy along with an explanation thereof;
- (4) the total dollar amount paid; and
- (5) the total dollar amount remaining unpaid.

In addition, the explanation shall clearly set forth a toll free number that the insured may call to obtain additional information about any of the items contained in the explanation of benefits paid or claims summary statement.

(d) The commissioner may issue an order under IC 27-1-3-19(a) directing an accident and sickness insurer to comply with subsection

(c).

(e) An accident and sickness insurer does not violate subsection (c) by using a document that the accident and sickness insurer has been required to use by the federal government or the state.

SECTION 4. IC 27-8-11-7 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 7. An insurer may provide to an insured a directory of providers with which the insurer has entered into an agreement under section 3 of this chapter in electronic or paper form."**

Page 7, between lines 22 and 23, begin a new paragraph and insert:

"SECTION 6. IC 27-13-9-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Upon:

- (1) the enrollment; and
- (2) each reenrollment;

of a subscriber, a health maintenance organization must provide to the subscriber **in electronic or paper form** a list of providers who provide health care services through the health maintenance organization. The health maintenance organization must also provide the list of providers **in electronic or paper form** to a potential enrollee upon request."

Renumber all SECTIONS consecutively.

(Reference is to SB 106 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 8, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 114, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, strike lines 16 through 17.

Page 2, strike lines 1 through 3.

Page 2, line 4, strike "(3)" and insert "(2)".

Page 2, line 6, strike "(4)" and insert "(3)".

Page 2, line 8, delete "(5)" and insert "(4)".

Page 2, line 17, strike "may be removed for cause by" and insert **"serves at the pleasure of"**.

Page 2, between lines 20 and 21, begin a new paragraph and insert:

"SECTION 2. IC 25-20.5-1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. ~~(a)~~ An individual who applies for a certificate as a hypnotist must do the following:

(1) Present satisfactory evidence to the committee that the individual:

(A) does not have a conviction for a crime that has a direct bearing on the individual's ability to practice competently; **and**

(B) has not been the subject of a disciplinary action by a licensing or certification agency of another state or jurisdiction on the grounds that the individual was not able to practice as a hypnotist without endangering the public.

and

(C) has at least five hundred (500) classroom hours of hypnotism education from an Indiana school or program of hypnotism that is approved by the Indiana commission on proprietary education (referred to as "the commission" in this clause) under IC 20-1-19 or from any other state approved school or program that is found by the commission to have requirements as stringent as necessary for the commission's approval of an Indiana school or program of hypnotism. A classroom hour may not be less than a fifty (50) minute period of instruction with both the instructor and student in attendance. Classroom instruction does not include video tape correspondence courses or other forms of electronic presentation.

(2) Pay the fee established by the board.

(b) An individual may not enroll in a school or program of hypnotism to satisfy the requirement under subsection (a)(1)(C) unless the individual:

(1) is at least eighteen (18) years of age; and

(2) has graduated from high school or received a:

(A) high school equivalency certificate; or

(B) state of Indiana general education development (GED) diploma under IC 20-10.1-12.1.

SECTION 3. IC 25-20.5-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. **To obtain a certificate under this chapter**, an individual who satisfies the requirements of section 11 of this chapter **may must** take the examination provided by the committee **and obtain a passing score on the examination as determined by the committee.**

Page 2, line 27, delete "IC 25-20.5-1-7(b)(5)" and insert "IC 25-20.5-1-7(b)(4)".

Renumber all SECTIONS consecutively.

(Reference is to SB 114 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill 569, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 3, delete "rules" and insert "**guidelines**".

Page 1, line 5, delete "rules" and insert "**guidelines**".

Page 1, line 17, delete "rules" and insert "**guidelines**".

Page 2, line 10, delete "rules" and insert "**guidelines**".

Page 2, line 11, delete "to governmental entities, schools, and" and insert "**to**:"

(1) **the department of education, which shall then distribute the guidelines to each:**

(A) **school corporation; and**

(B) **nonpublic school; and**

(2) **any person that:**

(A) **operates a place; or**

(B) **organizes or conducts an activity or event;**

described in subsection (c)."

Page 2, delete lines 12 through 13.

(Reference is to SB 569 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 7, Nays 0.

MILLER, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Concurrent Resolution 10, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said resolution do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 12, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 9, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill do pass.

Committee Vote: Yeas 9, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 417, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, line 13, after "member" insert "**registered under IC 25-21.5**".

(Reference is to SB 417 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 10, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Corrections, Criminal, and Civil Matters, to which was referred Senate Bill 95, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 3, line 41, delete "fifteen (15)" and insert "**seventeen (17)**".

Page 4, line 1, delete "Two (2)" and insert "**Three (3)**".

Page 4, line 1, delete "one (1)" and insert "**two (2)**".

Page 4, line 4, delete "Two (2)" and insert "**Three (3)**".

Page 4, line 5, delete "one (1)" and insert "**two (2)**".

(Reference is to SB 95 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

LONG, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Tax and Fiscal Policy, to which was referred Senate Bill 452, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 8-10-1-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Revenue bonds issued under the provisions of this article: ~~shall~~

(1) do not be deemed to constitute a debt of the commission, the state, or of any political subdivision thereof of the state, or a pledge of the faith and credit of the commission, the state, or of any such political subdivision but such bonds shall be of the state;

(2) are payable solely from the funds pledged for their payment as authorized in this article, unless such the bonds are refunded by refunding bonds issued under the provisions of this chapter, which refunding bonds shall be payable solely from funds pledged for their payment as authorized herein. All such revenue bonds shall in this article; and

(3) must contain on the their face thereof a statement to the effect that the bonds, as to both principal and interest, are not an obligation of the commission, the state, of Indiana, or of any political subdivision thereof; of the state, but are payable solely from revenues pledged for their payment.

All expenses incurred in carrying out the provisions of this article ~~shall be~~ **are** payable solely from funds provided under the authority of this article and nothing in this article ~~contained~~ shall be construed to authorize the commission to incur indebtedness or liability on behalf of or payable by the state or any political subdivision ~~thereof~~ **of the state.**

SECTION 2. IC 8-10-1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The commission is hereby authorized and empowered to acquire by purchase whenever it shall deem such purchase expedient, any land, property, rights, ~~right-of-ways, rights of way,~~ franchises, easements, and other interests in lands, including lands under water

and riparian rights, as it may deem necessary or convenient for the construction and operation of any port or project, upon such terms and at such price as may be considered by it to be reasonable and can be agreed upon between the commission and the owner thereof, and to take title thereto in the name of the state.

(b) The commission is hereby further authorized and empowered to sell, transfer, and convey any such land or any interest therein so acquired, or any portion thereof, when the same shall no longer be needed for such purposes. The commission is further authorized and empowered to transfer and convey any such lands or interest therein as may be necessary or convenient for the construction and operation of any port or project, or as otherwise required under the provisions of this article. However, no such sale shall be made without first obtaining the approval of the governor, and a sale may not be made at less than the appraised value established by three (3) independent appraisers appointed by the governor. The commission shall be authorized to restrict the use of any land so sold by it and provide for a reversion to the commission in the event the land shall not be used for the purpose represented by the purchaser, and such restrictions and reversions shall be set out in appropriate covenants in the deeds of conveyance, which deeds shall be subject to the approval of the governor.

(c) The commission shall also be authorized to lease, or grant options to lease, to others for development any portion of the land owned by the commission, on such terms as the commission shall determine to be advantageous. All such leases or options to lease which leases cover a period of more than four (4) years shall be subject to the approval of the governor. Leases of lands under the jurisdiction or control of the commission shall be made only for such uses and purposes as are calculated to contribute to the growth and development of ports, terminal facilities, and projects under the jurisdiction or control of the commission. In the event the commission shall lease to others a building or structure financed by the issuance of revenue bonds under IC 8-10-4, the ~~rental shall be in an amount at least sufficient to pay the interest on and principal of the amount of such bonds representing the cost of such building or structure to the extent such interest and principal is payable during the term of the lease; as well as to pay the cost of maintenance, repair and insurance for such building and a reasonable portion of the commission's administrative expense incurred during the term of the lease which is allocable to such building or structure. transaction must be structured as a self-liquidating or nonrecourse project (as defined in IC 8-10-4-1).~~

(d) No tenant, lessee, licensee, owner of real estate located within a port or project, or other person or entity has any right, claim, title, or interest in any real estate, personal property, or common property owned by the commission, a port, a project, or the state, unless a written agreement entered into by the commission expressly provides:

(1) the exact nature and extent of the right, claim, title, or interest;

(2) all the conditions under which the right, claim, title, or interest is granted; and

(3) a legal or complete description of the specific property."

Page 3, line 12, strike "at least" and insert "**the commission determines to be**".

Page 3, line 19, before "there" insert "**the commission**

determines".

Page 3, line 42, after "a" insert "**self-liquidating or nonrecourse**".

Page 3, line 42, after "project" insert ".".

Page 3, line 42, strike "to be".

Page 4, strike lines 1 through 3.

Renumber all SECTIONS consecutively.

(Reference is to SB 452 as introduced.)

and when so amended that said bill do pass.

Committee Vote: Yeas 11, Nays 0.

KENLEY, Chair

Report adopted.

REPORT OF THE PRESIDENT PRO TEMPORE

Madam President: Pursuant to Senate Rule 65(b), I hereby report that Senate Bill 447, currently assigned to the Committee on Rules and Legislative Procedure, be reassigned to the Committee on Natural Resources.

GARTON

REPORTS FROM COMMITTEES

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 64, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 1-1-13-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 1. The governor shall issue an annual proclamation setting apart the twenty-fifth day of February for the recognition of George Rogers Clark and designating that day as "George Rogers Clark Day". On this commemorative day, the Indiana ~~Historical Bureau~~, **state museum**, the schools of Indiana and the citizens of Indiana are exhorted to celebrate the memory of George Rogers Clark by holding suitable exercises in fitting and patriotic observance of his great contributions to the cause of American Independence which include conquering and securing the Northwest Territory and establishing and promoting the first permanent American settlement in the Northwest Territory.

SECTION 2. IC 1-1-14-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 1. The governor shall issue a proclamation each year designating July 13 as "Northwest Ordinance Day" and exhorting the Indiana ~~Historical Bureau~~, **state museum**, the educational, historic, and patriotic organizations of Indiana, and the citizens of Indiana to celebrate the anniversary of the adoption of the Northwest Ordinance by holding suitable exercises in fitting and patriotic observance of this great document and its contributions to freedom and democracy.

SECTION 3. IC 3-9-2-13, AS AMENDED BY P.L.176-1999, SECTION 41, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE APRIL 1, 2004]: Sec. 13. An individual may not solicit or receive a contribution in violation of the following statutes:

(1) IC 4-23-7-3.5 (Indiana Library and Historical Department).

(2) IC 4-23-7.1-38 (Indiana State Library).

~~(3) IC 4-23-7.2-17 (Indiana Historical Bureau).~~

~~(4)~~ (3) IC 8-23-2-3 (Indiana Department of Transportation).

~~(5)~~ (4) IC 14-9-7-1 and IC 14-10-3-10 (Department of Natural Resources).

SECTION 4. IC 4-15-2-3.8, AS AMENDED BY P.L.2-2003, SECTION 15, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 3.8. "State service" means public service by:

(1) employees and officers, including the incumbent directors, of the county offices of family and children; and

(2) employees and officers, except members of boards and commissions or individuals hired for or appointed to, after June 30, 1982, positions as appointing authorities, deputies, assistants reporting to appointing authorities, or supervisors of major units within state agencies, irrespective of the title carried by those positions, of the division of disability, aging, and rehabilitative services, Fort Wayne State Developmental Center, Muscatatuck State Developmental Center, division of mental health and addiction, Larue D. Carter Memorial Hospital, Evansville State Psychiatric Treatment Center for Children, Central State Hospital, Evansville State Hospital, Logansport State Hospital, Madison State Hospital, Richmond State Hospital, state department of health, Indiana School for the Blind, Indiana School for the Deaf, Indiana Veterans' Home, Indiana Soldiers' and Sailors' Children's Home, Silvercrest Children's Development Center, department of correction, Westville Correctional Facility, Plainfield Juvenile Correctional Facility, Putnamville Correctional Facility, Indianapolis Juvenile Correctional Facility, Indiana State Prison, Indiana Women's Prison, Pendleton Correctional Facility, Reception and Diagnostic Center, Rockville Correctional Facility, Youth Rehabilitation Facility, Plainfield Correctional Facility, department of fire and building services, state emergency management agency (excluding a county emergency management organization and any other local emergency management organization created under IC 10-14-3), civil rights commission, criminal justice planning agency, department of workforce development, ~~Indiana historical bureau~~, Indiana state library, division of family and children, Indiana state board of animal health, Federal Surplus Property Warehouse, Indiana education employment relations board, department of labor, Indiana protection and advocacy services commission, commission on public records, Indiana horse racing commission, and state personnel department.

SECTION 5. IC 4-23-7-0.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 0.5. (a) The definitions of this section apply throughout the chapter.

(b) "Board" refers to the Indiana library board established by section 2 of this chapter.

(c) "Commissioner" refers to the commissioner of the department.

(d) "Department" refers to the Indiana library and historical department established by section 1 of this chapter.

(e) "State library" refers to the Indiana state library established by section 3 of this chapter.

SECTION 6. IC 4-23-7-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) There is hereby created and established a department of the state government which shall be known as the Indiana library and historical department.

(b) The office of the commissioner of the department is established.

(c) The governor shall appoint the commissioner, who serves at the pleasure of the governor. The commissioner is the executive and chief administrative officer of the department.

(d) The commissioner must have both of the following:

(1) A graduate degree in library science or management, archives management, museum studies, history, historic preservation, archeology, or a closely related field.

(2) At least ten (10) years of professional experience in one (1) or more of the following disciplines:

(A) Library management.

(B) Information and forms management or archives management.

(C) Managing a museum or historic site.

(D) Historic preservation or archeology.

(e) The commissioner is entitled to compensation in an amount to be fixed by the Indiana department of administration with the approval of the governor.

(f) The commissioner may do the following:

(1) Appoint and remove the director of each division of the department.

(2) Delegate authority to appropriate department staff.

(3) Appoint advisory councils to consult and advise on the work of the department and its divisions.

(g) The commissioner shall supervise the work of the department and of each of the divisions of the department.

(h) Employees of each division, except the director, shall be selected by the director of the division with the approval of the commissioner and may be removed by the director for cause at any time with the approval of the commissioner.

(i) The budget agency shall fix the compensation of the director of each division. The director shall fix the compensation of the employees of the division with the approval of the commissioner and the budget agency.

(j) All department employees are covered under IC 4-15-2.

SECTION 7. IC 4-23-7-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. The management and control of the Indiana state library and historical department is hereby vested in a board which shall be known as the Indiana library and historical board, and which shall consist consists of five (5) eight (8) members, who shall be appointed by the governor, as hereinafter provided: In the first instance, one (1) of such members shall be appointed for a term of one (1) year, one (1) member for a term of two (2) years, one (1) member for a term of three (3) years, and two (2) members for a term of four (4) years. Thereafter all The commissioner of the department shall serve as an ex officio member of the board. The other seven (7) members shall be appointed for terms of four (4) years. No person shall be appointed as a member of the Indiana library and historical board unless he

the individual is a citizen of high standing and probity and has a known and active interest in library or historical archival work. One (1) member of the library and historical board shall be appointed on recommendation of the state board of education, one (1) member shall be appointed on recommendation of the Indiana library, trustee association, one (1) member shall be appointed on recommendation of the Indiana library association, one (1) member shall be appointed on recommendation of the Indiana historical society, and one (1) member the other members shall be selected and appointed by the governor. Except for the commissioner, the members of the board shall serve without compensation, but shall be entitled to receive their actual expenses necessarily incurred in attending the meetings and transacting the business of the board, and in participating in such other activities as may be in the interest of the department: state library. Any vacancy which may occur in the membership of the board for any cause shall be filled by appointment by the governor for the unexpired term, either on recommendation of the board, association or society hereinbefore authorized to make recommendations, or by selection by the governor, as hereinbefore provided. The board may prepare plans subject to the approval of the governor commissioner and advise with the proper officials in the construction of alterations and additions to the building and provide necessary equipment and furnishings within the appropriations of funds for these purposes. The board may receive and administer any state or federal aid which may become available for the improvement and development of library and historical services in Indiana.

SECTION 8. IC 4-23-7-2.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2.1. (a) The Indiana library and historical board shall elect one (1) of its members as president, another as secretary, and such other officers as it determines, each of whom shall hold office for a term of one (1) year.

(b) The board may designate the director of the state library or the director of the historical bureau as the executive secretary of the board with duties as prescribed by the board.

SECTION 9. IC 4-23-7-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The Indiana library and historical department consists of two (2) the office of the commissioner and the following divisions:

(1) The administration division.

(2) The Indiana state library, and

(3) The Indiana war memorials commission.

(4) The division of state museums and historic sites.

(5) The Indiana historical bureau: division of historic preservation and archeology.

SECTION 10. IC 4-23-7-3.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.2. In perfecting the internal organization of the department, the board commissioner may so apportion the duties of the department and of the several divisions thereof that like services in the various divisions may be performed by the same employee or employees for the entire department.

SECTION 11. IC 4-23-7-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. No member of the library and historical board nor any director or other employee of the department shall directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced

in any way to make such contribution, or be required to participate in any form of political activity.

SECTION 12. IC 4-23-7-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. Subject to the provisions of this chapter, the ~~library and historical~~ board shall ~~formulate~~ **adopt** rules and ~~regulations~~ for the care, management, and expansion of the ~~state library and historical department~~ so that the ~~department and its several divisions~~ **state library** may at all times be operated according to the most approved standards of ~~library and historical~~ service.

SECTION 13. IC 4-23-7-5.2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.2. The ~~Indiana library and historical~~ board may accept gifts, bequests, and devises of personal and real property for the maintenance, use, or benefit of the ~~Indiana state library and historical department~~ under such terms and conditions and with such obligations, liabilities, and burdens as in the judgment of the board and the ~~governor commissioner~~ is in the best interest of the ~~Indiana state library and historical department~~; However, no obligation, liability, or burden shall be assumed that is in excess of appropriations made by law for the payment of such obligations, liabilities, and burdens.

SECTION 14. IC 4-23-7-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.3. (a) The ~~Indiana library and historical~~ board may, on the recommendation of the director of the state library, sell, lease, exchange, or otherwise dispose of library materials. ~~under:~~

~~(1) IC 4-13-2-12; or~~

~~(2) IC 4-13-2-12.5.~~

(b) The ~~Indiana library and historical~~ board may, on the recommendation of the director of the state library and in accordance with policies and procedures adopted by the board, sell, donate, or exchange library materials to or with other public or nonprofit libraries or historical societies.

(c) The ~~Indiana library and historical~~ board may, on the recommendation of the director of the state library, adopt policies and procedures for evaluating a proposal to:

(1) accept gifts of;

(2) sell;

(3) exchange; or

(4) otherwise dispose of;

library materials described in IC 4-23-7.1-3.

SECTION 15. IC 4-23-7-5.4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.4. (a) The ~~Indiana state library and historical department~~ fund is established as a dedicated fund to be administered by the ~~Indiana library and historical~~ board. The ~~monies~~ **money** in the fund may be expended by the board exclusively for the maintenance, use, or benefit of the ~~Indiana state library and historical department~~.

(b) The proceeds from the sale of items as directed by law or by the ~~Indiana library and historical~~ board, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the fund.

(c) All monies accruing in the fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year. However, if the fund is abolished,

its contents shall revert to the general fund of the state.

SECTION 16. IC 4-23-7-30 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 30. (a) The ~~Indiana library and historical~~ board shall establish the council on library automation to:

(1) conduct ongoing planning activities for library automation in Indiana; and

(2) advance the automation goals of Indiana's libraries through the cooperation of the appropriate library agencies and organizations.

(b) The council on library automation consists of thirteen (13) members as follows:

(1) One (1) member from the ~~Indiana library and historical~~ board.

(2) Two (2) members from area library services authorities.

(3) Two (2) members from the Indiana cooperative library services authority.

(4) Two (2) members from the department of education.

(5) Two (2) members from the state university library automation committee.

(6) Two (2) members from the ~~Indiana~~ state library.

(7) Two (2) members from public libraries.

(c) With regard to the members described in subsection (b)(1) through (b)(6), each respective entity or agency described in subsection (b)(1) through (b)(6) shall forward its nominees for appointment on the council to the ~~Indiana library and historical~~ board for confirmation.

(d) The ~~Indiana library and historical~~ board shall establish a process to select the members appointed under subsection (b)(7).

(e) Except as provided in subsection (f), the terms of office for council members is three (3) years.

(f) The ~~Indiana library and historical~~ board shall establish the procedures for the council, including staggering the terms for initial members of the council.

(g) The council may do the following:

(1) Encourage planning by individual libraries and groups of libraries with regard to library automation.

(2) Annually update and distribute the statewide library automation and resource sharing plan.

(3) Submit to the ~~state library~~ board its recommendations concerning the adoption of library automation standards under IC 4-23-7.1-11(b).

(4) Encourage library automation, resource sharing, and document delivery programs that are consistent with state technology strategies, educational programs, and economic interests.

(5) Consult with appropriate agencies and organizations with an interest in library automation and resource sharing in Indiana.

(h) The council shall provide an annual report to the ~~Indiana library and historical~~ board on the council's activities and progress made towards meeting the goals in the statewide library automation and resource sharing plan. The council shall recommend to the ~~Indiana library and historical~~ board funding strategies that support the goals and initiatives contained in the statewide plan.

SECTION 17. IC 4-23-7.1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

- (1) "Advisory council" refers to the Indiana state library advisory council established by section 39 of this chapter.
- (2) "Agency" means any state administration, agency, authority, board, bureau, commission, committee, council, department, division, institution, office, service, or other similar body of state government.
- (3) "Board" means the Indiana library ~~and historical~~ board established by IC 4-23-7-2.
- (4) **"Commissioner" refers to the commissioner of the department.**
- (5) "Department" means the Indiana library and historical department established by IC 4-23-7-1.
- ~~(5)~~ (6) "Director" means director of the Indiana state library.
- ~~(6)~~ **"Historical bureau" (7) "Division" means the Indiana historical bureau division of state museums and historic sites established by IC 4-23-7-3.**
- ~~(7)~~ (8) "Public library" has the meaning set forth in IC 20-14-1-2.
- ~~(8)~~ (9) "State library" means the Indiana state library established by IC 4-23-7-3.
- ~~(9)~~ (10) "Statewide library card program" refers to the program established by section 5.1 of this chapter.

SECTION 18. IC 4-23-7.1-36 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 36. The state library shall be organized in such manner as determined by the director **of the state library** with the approval of the board. The duties of the state library established by law may be supplemented by the board according to its discretion.

SECTION 19. IC 4-23-7.1-37 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 37. (a) The **commissioner, with the approval of the board**, shall appoint a director to be the chief administrative officer of the state library.

(b) To qualify for the position of director **of the state library**, a person must:

- (1) be a graduate of a college or university of recognized standing;
- (2) have had special training in the technique and organization of library service;
- (3) possess such other qualifications as the board, in its discretion, may deem necessary.

(c) The director **of the state library** may be removed by the ~~board commissioner~~ at any time for cause.

SECTION 20. IC 4-23-7.1-38 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 38. (a) All state library employees, except the director, shall be selected by the director with the approval of the ~~board commissioner~~ and may be removed by the director for cause at any time with the approval of the ~~board commissioner~~.

(b) In making selections for employment, recognition shall be given to the fact that all certified librarians are under ~~the Library Certification Act IC 20-14-12~~ and that other staff personnel are under IC 4-15-2.

(c) Any or all of the state library employees must have had such academic preparation and special training for the work which they are required to perform as may be prescribed in rules promulgated by the board.

(d) The board may provide that appointments may be made only

after the applicant has successfully passed an examination given by the board or some person designated by the board.

(e) No employee of the state library may directly or indirectly solicit subscription or contribution for any political party or political purpose, or be forced in any way to make such contribution, or be required to participate in any form of political activity.

(f) The state budget agency shall fix the compensation of the director **of the state library**. The director shall fix the compensation of the employees of the state library with the approval of the ~~board commissioner~~ and the state budget agency.

SECTION 21. IC 4-23-7.2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **As used in The definitions under IC 4-23-7.1-1 apply throughout this chapter.**

~~(1) "Agency" means any state administration; agency; authority; board; bureau; commission; committee; council; department; division; institution; office; service; or other similar body of state government.~~

~~(2) "Board" means the Indiana library and historical board established by IC 4-23-7-2.~~

~~(3) "Department" means the Indiana library and historical department established by IC 4-23-7-1.~~

~~(4) "Director" means director of the Indiana historical bureau.~~

~~(5) "Historical bureau" means the Indiana historical bureau established by IC 4-23-7-3.~~

~~(6) "Library" means the Indiana state library established by IC 4-23-7-3.~~

SECTION 22. IC 4-23-7.2-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 2. (a) **It is The duty of the historical bureau to state library may** edit and publish documentary and other material relating to the history of the state of Indiana and ~~to promote the study of Indiana history.~~

(b) As appropriate, the ~~historical bureau~~ **state library** shall work with the Indiana historical society, the county historical societies, and any other person, agency, or organization concerned with Indiana history.

SECTION 23. IC 4-23-7.2-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 3. The ~~historical bureau~~ **state library** may compile and publish digests, reports and bulletins of purely informational or statistical character on any question which the board may deem to be of interest or value to the people of the state. Any expenses which may be incurred in the publication of any such digest, report or bulletin shall be defrayed out of the funds which may be appropriated for the use of the department. ~~or the historical bureau.~~

SECTION 24. IC 4-23-7.2-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 4. The ~~historical bureau~~ **state library** may cooperate with any of the educational institutions of the state or other institutions, organizations or individuals for the purpose of meeting its responsibilities in any manner and to any extent which may be approved by the board.

SECTION 25. IC 4-23-7.2-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 5. All expenses incurred in the preparation, compilation, printing, binding and publication of the volumes of source and other historical material issued by the ~~historical bureau~~ **state library** shall be defrayed out of funds at the disposal of the ~~bureau~~ **state library** which may be appropriated by law for that purpose, and shall be printed by the

~~commission on public records, department,~~ and under the terms of any contract which the state may have executed and entered into for public printing, and under the direction and supervision of the ~~historical bureau:~~ **state library.**

SECTION 26. IC 4-23-7.2-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 6. One (1) copy of each publication issued by the ~~historical bureau:~~ **state library** shall be furnished to each public library in the state, and the board may furnish copies free of charge to such other persons, institutions or departments as in its judgment may be entitled thereto. The copies so remaining shall be sold by the ~~bureau:~~ **state library** at a price which shall be fixed by the board.

SECTION 27. IC 4-23-7.2-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 7. (a) The ~~historical bureau:~~ **state library** publications and educational fund is established as a dedicated fund to be administered by the ~~historical bureau:~~ **state library.** The monies in the fund may be expended by the director of the ~~historical bureau:~~ **state library** exclusively for the publication of historical documents and other material to promote the study of Indiana history, and to inform the people of Indiana concerning the history of their state.

(b) The proceeds from the sale of items as directed by law or by the director of the ~~historical bureau:~~ **state library**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the ~~historical bureau:~~ **state library** publications and educational fund.

(c) All monies accruing to the ~~historical bureau:~~ **state library** publications and educational fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 28. IC 4-23-7.2-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 8. (a) The governors' portraits collection is placed in the custody of the Indiana ~~historical bureau:~~ **state museum.** The collection shall be permanently displayed in public areas of the state house ~~under the supervision of the historical bureau, which is charged with its care and maintenance:~~ **or state museum.**

(b) The ~~director commissioner~~ shall inspect each painting in the collection annually in the company of one (1) or more experts in the field of art conservation selected by the ~~director of the division.~~

(c) After the inauguration of each governor, the ~~director,~~ **commissioner**, with the concurrence of the governor, shall select and commission an artist to paint the governor's portrait. The portrait must be hung in the permanent collection immediately following the completion and acceptance of the portrait by the ~~director commissioner~~ and the governor.

(d) The ~~historical bureau:~~ **state museum** shall include in its budget requests the amount it deems necessary to provide for the proper care, maintenance, and display of the governors' portraits collection, and the amount necessary to commission the painting of an oil portrait of each governor for the collection. The ~~historical bureau:~~ **state museum** may use appropriated funds or any other funds provided for these purposes.

(e) The ~~director,~~ **commissioner**, in discharging the duties under

this section, shall use the appropriate cultural and technical resources of the state. ~~including the department of natural resources and the Indiana department of administration:~~

SECTION 29. IC 4-23-7.2-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 9. (a) The governors' portraits fund is established as a dedicated fund to be administered by the ~~historical bureau:~~ **division.** The monies in the fund may be expended by the director of the ~~historical bureau:~~ **division** exclusively for the preservation and exhibition of the state-owned portraits of former governors of Indiana.

(b) The proceeds from the sale of items as directed by law or by the director of the ~~historical bureau:~~ **division**, from gifts of money or the proceeds from the sale of gifts donated to the fund, and from investment earnings from any portion of the fund, shall be deposited in the governors' portraits fund.

(c) All monies accruing to the governors' portraits fund are hereby appropriated continuously for the purposes specified in this section.

(d) No portion of the fund shall revert to the general fund of the state at the end of a fiscal year; however, if the fund is abolished, its contents shall revert to the general fund of the state.

SECTION 30. IC 4-23-7.2-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 10. The ~~historical bureau:~~ **state museum** shall have custody of all unsold commemorative medallions and other items that were acquired for sale to the public by the Indiana historical commission, the Indiana sesquicentennial commission, or the Indiana American revolution bicentennial commission when that commission is abolished. These medallions and other commemorative items shall be offered for sale to the public at a price determined by the director of the ~~historical bureau:~~ **division.** The proceeds from the sale of such items shall be deposited in the governors' portraits fund.

SECTION 31. IC 4-23-7.2-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 11. (a) The ~~historical bureau:~~ **division** shall establish the Indiana historical marker program for marking historical sites in Indiana. As a part of this program, the ~~historical bureau:~~ **division** shall fix a state format for historical markers. No person may erect an historical marker in the state format without the approval of the ~~historical bureau:~~ **division.** All historical markers in the state format shall be provided by the ~~historical bureau:~~ **division** using appropriated funds, local matching funds, donations, grants, or any other funds provided for that purpose according to the guidelines and rules of the historical marker program.

(b) The ~~board~~ **director of the division** may appoint a historical marker advisory committee to serve without compensation. The committee may advise the ~~board and the~~ director concerning the following:

- (1) Guidelines and rules for the historical marker program.
- (2) Appropriate sites to be marked.
- (3) Other matters concerning the historical marker program as requested by the ~~board or the~~ director.

(c) Historical markers approved under this section become the property of the state. Maintenance of state historical markers is part of the historical marker program. The ~~historical bureau:~~ **division** may cooperate with individuals, local and state agencies, and private institutions and organizations for the maintenance of the

historical markers. Funds made available to the historical marker program, as approved by the ~~board~~, **division**, may be used for necessary maintenance.

(d) No historical marker may be erected on a highway of the state highway system without the approval of the ~~historical bureau~~ **division** as to its historical accuracy. This provision is in addition to any other requirement of law.

SECTION 32. IC 4-23-7.2-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 12. The ~~historical bureau~~ **state museum** shall celebrate the memory of George Rogers Clark in a manner fitting each occasion of George Rogers Clark Day, every twenty-fifth day of February, established by IC 1-1-13-1.

SECTION 33. IC 4-23-7.2-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 13. Each state, county, township, city, town, judicial, or other public officer having ~~in his~~ charge or custody or ~~is~~ capable of supplying, or required to collect and compile the information which may be required by the ~~historical bureau~~ **department** shall supply such information promptly at the request of the ~~historical bureau~~, **department**, whether the request is oral, ~~or~~ by letter or circular, or by the filling out of blank forms provided for that purpose by the ~~historical bureau~~ **department**.

SECTION 34. IC 4-23-7.2-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 18. The ~~board~~ **director of the state library** may appoint an advisory committee of not to exceed nine (9) members, who shall consult and advise with the director of the ~~historical bureau~~ **state library** concerning the publication of historical material, the promotion of the interest of the historical societies of Indiana, and in the conduct of the historical work of the state generally. The committee so appointed shall serve without compensation.

SECTION 35. IC 4-23-7.2-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 19. The proceeds from the sale of all publications of the select committee on the centennial history of the Indiana general assembly, alone or in cooperation with the ~~Indiana historical bureau~~, **state library**, shall be deposited in the ~~historical bureau~~ **state library** publications and educational fund.

SECTION 36. IC 4-23-8-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. The definitions under IC 4-23-7.1-1 apply throughout this chapter.**

SECTION 37. IC 4-23-8-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. Express power and authority is hereby given to the ~~Indiana library and historical~~ board to accept gifts, bequests and devises of personal and real property for the maintenance, use, or benefit of the ~~Indiana library and historical~~ department.

SECTION 38. IC 4-23-8-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. ~~Said Indiana library and historical~~ **The** board may accept such gifts, bequests, and devises as provided in section 1 ~~hereof~~, **of this chapter**, with such terms and conditions and with such obligations, liabilities, and burdens as are imposed thereon when in the judgment of ~~said the~~ board and with the approval of the ~~governor commissioner~~ it shall be determined that it is for the best interest of ~~said the~~ department to do so. ~~Provided, However, That~~ no obligation, liability, or burden

shall be assumed on account thereof in excess of appropriations made by law and applicable to the payment of such obligations, liabilities, and burdens.

SECTION 39. IC 4-23-8-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Any law to the contrary notwithstanding, any gift, bequest or devise received by ~~said Indiana library and historical~~ the board, shall not be required to be covered into the general fund, but shall be administered by ~~said the~~ board according to the terms of ~~said the~~ gift, bequest, or devise.

SECTION 40. IC 5-15-5.1-1, AS AMENDED BY P.L.1-1999, SECTION 7, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. As used in this chapter:

"~~Commission~~" means the ~~commission on public records created by this chapter~~.

"**Board**" means the **Indiana library board** established by IC 4-23-7-2.

"**Director**" means the **director of the Indiana state library** appointed under IC 4-23-7.1-37.

"**State library**" means the **Indiana state library** established by IC 4-23-7-3.

"Record" means all documentation of the informational, communicative, or decisionmaking processes of state government, its agencies and subdivisions made or received by any agency of state government or its employees in connection with the transaction of public business or government functions, which documentation is created, received, retained, maintained, or filed by that agency or its successors as evidence of its activities or because of the informational value of the data in the documentation, and which is generated on:

- (1) paper or paper substitutes;
- (2) photographic or chemically based media;
- (3) magnetic or machine readable media; or
- (4) any other materials, regardless of form or characteristics.

"Nonrecord materials" means all identical copies of forms, records, reference books, and exhibit materials which are made, or acquired, and preserved solely for reference use, exhibition purposes, or publication and which are not included within the definition of record.

"Personal records" means:

- (1) all documentary materials of a private or nonpublic character which do not relate to or have an effect upon the carrying out of the constitutional, statutory, or other official or ceremonial duties of a public official, including: diaries, journals, or other personal notes serving as the functional equivalent of a diary or journal which are not prepared or utilized for, or circulated or communicated in the course of, transacting government business; or
- (2) materials relating to private political associations, and having no relation to or effect upon the carrying out of constitutional, statutory, or other official or ceremonial duties of a public official and are not deemed public records.

"Form" means every piece of paper, transparent plate, or film containing information, printed, generated, or reproduced by whatever means, with blank spaces left for the entry of additional information to be used in any transaction involving the state.

"Agency" means any state office, department, division, board, bureau, commission, authority, or other separate unit of state

government established by the constitution, law, or by executive or legislative order.

"Public official" means an individual holding a state office created by the Constitution of Indiana, by act or resolution of the general assembly, or by the governor; all officers of the executive and administrative branch of state government; and all other officers, heads, presidents, or chairmen of agencies of state government.

"Indiana state archives" means the program maintained by the ~~commission~~ **state library** for the preservation of those records and other government papers that have been determined by the ~~commission~~ **state library** to have sufficient permanent values to warrant their continued preservation by the state.

"Forms management" means the program maintained by the ~~commission~~ **state library** to provide continuity of forms design procedures from the form's origin up to its completion as a record by determining the form's size, style and size of type; format; type of construction; number of plies; quality, weight and type of paper and carbon; and by determining the use of the form for data entry as well as the distribution.

"Information management" means the program maintained by the ~~commission~~ **state library** for the application of management techniques to the purchase, creation, utilization, maintenance, retention, preservation, and disposal of forms and records undertaken to improve efficiency and reduce costs of recordkeeping; including management of filing and microfilming equipment and supplies, filing and information retrieval systems, files, correspondence, reports and forms management, historical documentation, micrographic retention programming, and critical records protection.

"Records center" means a program maintained by the ~~commission~~ **state library** primarily for the storage, processing, retrieving, servicing, and security of government records that must be retained for varying periods of time but should not be maintained in an agency's office equipment or space.

"Critical records" means records necessary to resume or continue governmental operations, the reestablishing of the legal and financial responsibilities of government in the state, or to protect and fulfill governmental obligations to the citizens of the state.

"Retention schedule" means a set of instructions prescribing how long, where, and in what form a record series shall be kept.

"Records series" means documents or records that are filed in a unified arrangement, and having similar physical characteristics or relating to a similar function or activity.

"Records coordinator" means a person designated by an agency to serve as an information liaison person between the agency and the ~~commission~~ **state library**.

SECTION 41. IC 5-15-5.1-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) This chapter applies to records:

- (1) open to the public and carrying no classification or restriction;
- (2) required to be kept confidential by federal law, rule, or regulation;
- (3) declared confidential by the general assembly; or
- (4) declared confidential by a rule adopted under specific authority for confidential records granted to an agency by the general assembly.

(b) The provisions of this chapter do not apply to state-supported colleges and universities, but the ~~commission~~ **state library** may offer its services to them.

(c) The provisions of this chapter shall in no way restrict the powers and duties of the state board of accounts as prescribed by IC 5-11.

SECTION 42. IC 5-15-5.1-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. ~~There is created~~ The ~~commission on public records to state library~~ **shall** administer this chapter for the administrative and executive branches of state government. ~~The commission shall adopt a seal which shall be the seal of the state of Indiana.~~ The ~~commission~~ **state library** shall offer its services to the legislative and judicial branches of state government.

SECTION 43. IC 5-15-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to approval by the ~~oversight committee on public records created by section 18 of this chapter,~~ **board,** the ~~commission~~ **state library** shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of each form.
- (2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.
- (3) Approve, provide, and in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.
- (4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping; however, the investigative and criminal history records of the state police department are exempted from this requirement.
- (5) Coordinate utilization of all micrographics equipment in state government.
- (6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.
- (7) Advise the Indiana department of administration with respect to the purchase of all records storage equipment.
- (8) ~~Establish and operate~~ **Assist the Indiana department of administration in establishing and operating** a distribution center for the receipt, storage, and distribution of all material printed for an agency.
- (9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.
- (10) Establish and operate a statewide record preservation laboratory.
- (11) Prepare, develop, and implement record retention schedules.
- (12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable

agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the ~~commission~~ **state library**.

(14) Have the authority to examine all forms and records housed or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the ~~data processing state information technology~~ oversight commission created under IC 4-23-16, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

(b) In implementing a forms management program, the ~~commission~~ **state library** shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 44. IC 5-15-5.1-5.3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.3. (a) The state archives preservation and reproduction account (referred to in this section as "the account") is established as an account within the state general fund. The account shall be administered by the ~~commission~~ **state library**. The money in the account does not revert to any other account within the state general fund at the end of a state fiscal year.

(b) The account consists of fees collected under section 5(a)(16) of this chapter.

(c) Money in the account is annually appropriated to the ~~commission~~ **state library** for use in the preservation and reproduction of public records in the Indiana state archives.

SECTION 45. IC 5-15-5.1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The ~~commission~~ **state library** shall design, redesign, number, standardize, consolidate, or eliminate when obsolete, all forms used by state government, apply the definition of record to any governmental materials so questioned, and determine the nature of nonrecord materials housed or maintained by an agency. In performing these functions, the ~~commission~~ **state library** shall consult with each affected agency and shall consider each agency's statutory responsibilities, its relationships with federal or other governmental agencies, and the requirements of state law.

SECTION 46. IC 5-15-5.1-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The ~~commission~~ **state library** shall make the archives of the state available for public use under supervised control at reasonable hours. However, the ~~commission~~ **state library** shall weigh the need for preservation from deterioration or mutilation of original records in establishing access use to such items. The ~~commission~~ **state library** shall furnish copies of archival materials upon request, unless

confidential by law or restricted by promulgated rule, and payment of such fees as may be required.

SECTION 47. IC 5-15-5.1-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The ~~commission~~ **state library** shall operate a central micrographics laboratory. The ~~oversight committee board~~ in coordination with the supreme court shall promulgate ~~regulations~~ **rules** concerning quality standards for microfilming documents that shall allow documents meeting those standards to be admissible in court. Such microfilming standards shall be followed by all agencies of the administrative and executive branches of state government.

SECTION 48. IC 5-15-5.1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. Copies of records transferred from the office of their origin to the custody of the ~~commission~~ **state library**, when certified by the director or ~~his~~ **the director's** designee, under seal of the ~~commission~~ **state library**, shall have the same force and effect as if certified by the original custodian.

SECTION 49. IC 5-15-5.1-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. Each agency shall:

- (1) Make and preserve records containing adequate and proper documentation of the organization, functions, policies, decisions, procedures, and essential transactions of the agency to protect the legal and financial rights of the government and of persons directly affected by the agency's activities.
- (2) Cooperate fully with the ~~commission~~ **state library** in implementing the provisions of this chapter.
- (3) Establish and maintain an active and continuing program for the economical and efficient management of information and assist the ~~commission~~ **state library** in the conduct of information management surveys.
- (4) Implement information management procedures and regulations issued by the ~~commission~~ **state library**.
- (5) Submit to the ~~oversight committee~~ **state library**, a recommended retention schedule for each form and record series in its custody. However, retention schedules for forms and record series common to more than one (1) agency may be established by the ~~oversight committee~~ **state library**. Records may not be scheduled for retention any longer than is necessary to perform required functions. Records requiring retention for several years must be transferred to the records center.
- (6) Establish necessary safeguards against the removal, alteration, or loss of records; safeguards shall include notification to all officials and employees of the agency that records in the custody of the agency may not be alienated or destroyed except in accordance with the provisions of this chapter.
- (7) Designate an agency information coordinator, who shall assist the ~~commission~~ **state library** in the content requirements of the form design process and in the development of the agency's records retention schedules.
- (8) Report to the ~~commission~~ **state library** before December 31 of each year those records which have been created or discontinued in the past year.

SECTION 50. IC 5-15-5.1-11 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 11. Title to any record transferred to the Indiana state archives as authorized by this chapter shall be vested in the ~~commission~~ **state library**. However, title to any record deposited in the Indiana state records center shall remain with the agency transferring that record.

SECTION 51. IC 5-15-5.1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. The ~~commission~~ **state library** shall establish and maintain a critical records program for the state of Indiana. It shall determine what records are essential to the continuity of state government operations and shall survey agency records to identify those records. The ~~commission~~ **state library** shall plan and implement a program for protection of critical records through dispersal, duplication, or secure vault storage of those records.

SECTION 52. IC 5-15-5.1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. Records designated as confidential by law shall be so treated by the ~~commission~~ **state library** in the maintenance, storage, transfer, or other disposition of those records. Confidential records scheduled for destruction shall be destroyed in such a manner that they cannot be read, interpreted, or reconstructed.

SECTION 53. IC 5-15-5.1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. A public official or agency may not mutilate, destroy, sell, loan, or otherwise dispose of any government record, except under a record retention schedule or with the written consent of the ~~commission~~ **state library**.

SECTION 54. IC 5-15-5.1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. (a) A public official who has the custody of any records, excluding personal records, shall at the expiration of ~~his the public official's~~ term of office or appointment, deliver to ~~his the public official's~~ successor, or to the ~~commission~~ **state library** if there is no successor, all materials defined as records by this chapter.

(b) Upon the termination of a state agency whose functions have not been transferred to another agency, the records of the state agency shall be deposited with the ~~commission~~ **state library**. The ~~commission~~ **state library** shall determine which records are of sufficient legal, historical, administrative, research, or fiscal value to warrant their continued preservation. Records that are determined to be of insufficient value to warrant continued preservation shall be disposed of or destroyed.

SECTION 55. IC 5-15-5.1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The ~~commission~~ **state library** may enter into agreements with the legislative branch of government for transfer of the permanent records of that body not having current administrative value to the Indiana state archives.

(b) The ~~commission~~ **state library** may enter into agreements with the Indiana supreme court and court of appeals and their clerk for transfer of the permanent records of those bodies not having current administrative value to the state archives.

SECTION 56. IC 5-15-5.1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) A state, county, or other official may turn over to the ~~commission~~ **state library**, in accordance with the rules of the ~~commission~~ **board** for

permanent preservation, any official books, records, documents, original papers, newspaper files, or printed books or materials not in current use in ~~his the official's~~ office.

(b) Subject to subsection (c), the ~~commission~~ **state library** may make a copy, by photography or in any other way, of any official book, record, document, original paper, newspaper, or printed book or material in any county, city, or other public office for preservation in the state archives. County, city, and other officials shall permit such copies to be made of the books, records, documents, and papers in their respective offices.

(c) The ~~commission~~ **state library** shall copy the official copy of the rules (including incorporated matters filed under IC 4-22-2-21) retained by the secretary of state under IC 4-5-1-2. Any duplicate original copy possessed by another agency is not a critical record and may not be copied. If the secretary of state prepares micrographic copies of these documents under IC 4-5-1-2 and the copies are in a form that meets the specifications of the ~~commission~~ **state library**, the ~~commission~~ **state library** shall arrange with the secretary of state to obtain the number of copies needed by the ~~commission~~ **state library**, rather than copying the documents as part of a separate program.

SECTION 57. IC 5-15-5.1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. (a) ~~It is The duty of the oversight committee to:~~ **board shall:**

(1) function as the policy making body for the ~~commission~~ **state library**; and

(2) determine what records have no apparent official value but should be preserved for research or other purposes.

(b) The ~~oversight committee~~ **board** shall maintain a master list of all record series that are classified as confidential by statute or rule.

(c) The ~~oversight committee~~ **board** has final approval of all record retention schedules.

(d) The ~~oversight committee~~ **board** has final approval of a fee schedule established by the commission under section 5(a)(16) of this chapter.

SECTION 58. IC 5-15-5.1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) The ~~oversight committee~~ **board** shall:

(1) establish standards for safeguarding personal information systems that shall be followed by agencies maintaining such systems;

(2) approve the content of all forms that involve confidential records; and

(3) require use of archival quality paper for records that the ~~commission~~ **board** determines should be preserved indefinitely.

(b) The ~~oversight committee~~ **board** may adopt rules under IC 4-22-2 necessary for the performance of its duties, consistent with this chapter and other applicable Indiana laws.

SECTION 59. IC 6-3.1-16-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "division" means the division of historic preservation and archaeology of the **Indiana library and historical** department. ~~of natural resources.~~

SECTION 60. IC 10-18-1-1, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS

[EFFECTIVE JULY 1, 2005]: Sec. 1. **(a)** As used in this chapter, "commission" refers to the Indiana war memorials commission established by section 2 of this chapter.

(b) "Department" means the Indiana library and historical department established by IC 4-23-7-1.

SECTION 61. IC 10-18-1-2, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The Indiana war memorials commission is established.

(b) The commission consists of ~~ten (10)~~ **eleven (11)** members. **The commissioner of the department shall serve as an ex officio member of the commission. In addition,** each Indiana congressional district must be represented by at least one (1) member who is:

- (1) a resident of that congressional district;
- (2) a veteran of service in the armed forces of the United States of America in time of war;
- (3) a citizen of Indiana at the time of the service; and
- (4) appointed:
 - (A) in the manner;
 - (B) for the terms;
 - (C) to have the powers; and
 - (D) to perform the duties;

as provided in this chapter.

(c) The commission:

- (1) as the commission and in the commission's name, may prosecute and defend suits; and
- (2) has all other duties, rights, and powers that are:
 - (A) necessary to implement this chapter; and
 - (B) not inconsistent with this chapter.

(d) The members of the commission are not liable in their individual capacity, except to the state, for any act done or omitted in connection with the performance of their duties under this chapter.

(e) A suit against the commission must be brought in a court with jurisdiction in Marion County. Notice or summons of the suit shall be served upon the president, vice president, or secretary of the commission. In a suit against the commission, it is not necessary to name the individual members of the commission as either plaintiff or defendant. Commission members may sue and be sued in the name of the Indiana war memorials commission.

(f) The commission shall:

- (1) report to the governor through the adjutant general; and
- (2) be under the ~~adjutant general~~ **commissioner of the department** for administrative supervision.

SECTION 62. IC 10-18-1-3, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) **This section does not apply to the commissioner of the department.**

(b) The governor shall appoint members of the commission for a term of three (3) years, subject to removal as provided in this section.

~~(b)~~ **(c)** The commissioners:

- (1) must be persons of high standing and character; and
- (2) serve without compensation, except for reimbursement for any reasonable expenses necessarily incurred by the commissioners in the performance of their duties.

~~(c)~~ **(d)** The commissioners shall be selected without regard to their political affiliations. However, not more than six (6) of the commissioners at any time may be members of the same political party.

~~(d)~~ **(e)** The governor may, for just cause, based upon written charges specifying alleged misconduct, remove any member of the commission, after notice to the member and a public hearing.

~~(e)~~ **(f)** The governor shall appoint a qualified person to fill the unexpired term of a member who does not complete the member's term.

SECTION 63. IC 10-18-1-9, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. (a) **The commissioner of the department, with the approval of the** commission, may employ a superintendent.

(b) The superintendent shall give bond in an amount and with surety to be approved by the commission.

(c) The superintendent's duties and compensation shall be prescribed by the **commissioner of the department, with the approval of the** commission.

SECTION 64. IC 10-18-1-10, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) **The commissioner of the department, with the approval of the** commission shall employ an individual who is responsible for the care and preservation of all personal property owned by the commission that has historic significance.

(b) The individual employed ~~by the commission~~ under subsection (a) must meet the qualifications set by the division of state museums and historic sites of the department. ~~of natural resources.~~

SECTION 65. IC 10-18-1-21, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. (a) The commission

~~(1)~~ has general control of the State Soldiers' and Sailors' Monument Circle. ~~and~~

~~(2)~~ **The commissioner of the department, with the approval of the commission,** may employ a superintendent.

(b) The superintendent may, with the ~~advice and consent~~ **approval of the** ~~commission; commissioner of the department,~~ appoint engineers, elevator operators, electricians, and watchmen as are actually required, all of whom are subject to removal at any time by the ~~commission for any reason satisfactory to the commission; superintendent.~~

(c) The superintendent:

- (1) has direct charge and supervision of the monument and Monument Circle, subject to the orders of the commission; and
- (2) may require watchmen to act as elevator operators and elevator operators to act as watchmen.

(d) The superintendent and the engineers, watchmen, and elevator operators have police powers with all powers of a constable.

SECTION 66. IC 10-18-1-26, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 26. (a) The commission may do the following:

- (1) Make or sell the following:
 - (A) Pictures, models, books, and other representations of the monuments and grounds.
 - (B) Souvenirs.
- (2) Establish and maintain souvenir shops on property that the commission manages.
- (3) Hire and pay salaries for full-time or part-time employees for the souvenir shops.
- (4) Contract with a nonprofit organization or corporation for the continuous management of the souvenir shops.
- (5) Report annually to the **governor commissioner of the department** on the activities, revenues, expenditures, and profits of the souvenir shops.
- (b) Notwithstanding section 27 of this chapter, the following apply to the profits from souvenir shop sales:
 - (1) The souvenir shop fund is established. The souvenir shop fund shall be administered by the commission.
 - (2) Profits from the sales at souvenir shops established under subsection (a) shall be deposited in the souvenir shop fund.
 - (3) The treasurer of state shall invest the money in the souvenir shop fund not currently needed to meet the obligations of the fund in the same manner as other public funds may be invested.
 - (4) The expenses of administering the souvenir shop fund shall be paid from money in the fund.
 - (5) The commission may spend the money in the souvenir shop fund for the following purposes:
 - (A) Maintenance or repair of properties managed by the commission.
 - (B) Maintenance, repair, and acquisition of the following:
 - (i) Battle flags.
 - (ii) Appropriate artifacts.
 - (iii) Appropriate memorabilia.
 - (6) All money accruing to the souvenir shop fund is appropriated continuously for the purposes listed in subdivision (5).
 - (7) Money in the souvenir shop fund at the end of a state fiscal year does not revert to the state general fund.
- (c) A person may not make or sell pictures, models, books, or other representations of the monuments or grounds unless the person is authorized to do so by the commission.

SECTION 67. IC 10-18-1-28, AS ADDED BY P.L.2-2003, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 28. The superintendent of the State Soldiers' and Sailors' Monument and of Monument Circle and those serving under the superintendent who are appointed ~~by the commission~~ **under section 21 of this chapter** have police powers and may make arrests or do other things as may be needed to enforce the laws for the protection and care of the monuments and Monument Circle.

SECTION 68. IC 14-8-2-48.2 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 48.2. **"Commissioner", for purposes of IC 14-20 and IC 14-21, refers to the commissioner of the Indiana library and historical department.**

SECTION 69. IC 14-8-2-67 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 67. (a) "Department", **except as provided in subsection (b),** refers to the

department of natural resources.

(b) **"Department", for purposes of IC 14-20 and IC 14-21, refers to the Indiana library and historical department established by IC 4-23-7-1.**

SECTION 70. IC 14-9-4-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The following divisions are established within the department:

- (1) Accounting.
- (2) Administrative support services.
- (3) Budget.
- (4) Engineering.
- (5) Entomology and plant pathology.
- (6) Fish and wildlife.
- (7) Forestry.
- ~~(8) Historic preservation and archeology.~~
- ~~(9)~~ (8) Human resources.
- ~~(10)~~ (9) Internal audit.
- ~~(11)~~ (10) Land acquisition.
- ~~(12)~~ (11) Law enforcement.
- ~~(13)~~ (12) Management information systems.
- ~~(14)~~ (13) Nature preserves.
- ~~(15)~~ (14) Oil and gas.
- ~~(16)~~ (15) Outdoor recreation.
- ~~(17)~~ (16) Public information and education.
- ~~(18)~~ (17) Reclamation.
- ~~(19)~~ (18) Reservoir management.
- ~~(20)~~ (19) Safety and training.
- ~~(21)~~ (20) Soil conservation.
- ~~(22) State museums and historic sites.~~
- ~~(23)~~ (21) State parks.
- ~~(24)~~ (22) Water.

SECTION 71. IC 14-10-2-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~commission~~ **Indiana library and historical department** may do the following:

- (1) Take the action that is necessary to enable the state to participate in the programs set forth in 16 U.S.C. 470 et seq.
- (2) Promulgate and maintain a state register of districts, sites, buildings, structures, and objects significant in American or Indiana history, architecture, archeology, and culture and expend money for the purpose of preparing comprehensive statewide historic surveys and plans, in accordance with criteria established by the ~~commission~~ **department**, that comply with the standards and regulations promulgated by the United States Secretary of the Interior for the preservation, acquisition, and development of the properties.
- (3) Establish in accordance with criteria established by the United States Secretary of the Interior a program of matching grants-in-aid to public agencies for projects having as their purpose the preservation for public benefit of properties that are significant in American or Indiana history, architecture, archeology, and culture.
- (4) Accept grants from public and private sources, including those provided under 16 U.S.C. 470 et seq.

SECTION 72. IC 14-10-2-5, AS AMENDED BY P.L.186-2003, SECTION 34, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The department may adopt emergency rules under IC 4-22-2-37.1 to carry out the duties

of the department under the following:

- (1) IC 14-9.
- (2) This article.
- (3) IC 14-11.
- (4) IC 14-12-2.
- (5) IC 14-14.
- (6) IC 14-17-3.
- (7) IC 14-18, except IC 14-18-6 and IC 14-18-8.
- (8) IC 14-19-1 and IC 14-19-8.
- ~~(9) IC 14-20-1.~~
- ~~(10) IC 14-21.~~
- ~~(11)~~ (9) IC 14-22-3, IC 14-22-4, and IC 14-22-5.
- ~~(12)~~ (10) IC 14-23-1.
- ~~(13)~~ (11) IC 14-25, except IC 14-25-8-3, IC 14-25-11, and IC 14-25-13.
- ~~(14)~~ (12) IC 14-26.
- ~~(15)~~ (13) IC 14-27.
- ~~(16)~~ (14) IC 14-28.
- ~~(17)~~ (15) IC 14-29.
- ~~(18)~~ (16) IC 14-35-1, IC 14-35-2, and IC 14-35-3.

(b) A rule adopted under subsection (a) expires not later than one (1) year after the rule is accepted for filing by the secretary of state.

SECTION 73. IC 14-10-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This chapter applies to the property managers of **the following**:

(1) Each of the following divisions of the department:

- ~~(1)~~ (A) State parks.
- ~~(2)~~ (B) Forestry.
- ~~(3)~~ (C) Fish and wildlife.
- ~~(4)~~ (D) Reservoir management.

~~(5)~~ (2) **The division of state museums and historic sites of the Indiana library and historical department.**

SECTION 74. IC 14-12-2-14, AS AMENDED BY P.L.170-2002, SECTION 92, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) The Indiana heritage trust project committee is established.

(b) The project committee consists of the following sixteen (16) members:

- (1) The director of the division of fish and wildlife.
- (2) The director of the division of forestry.
- (3) The director of the division of nature preserves.
- (4) The director of the division of state parks.
- (5) The director of the division of outdoor recreation.
- (6) The director of the division of state museums and historic sites **of the Indiana library and historical department.**
- (7) Ten (10) individuals appointed by the governor. The governor shall appoint individuals so that all the following are satisfied:

- (A) The individuals must be residents of Indiana.
- (B) The individuals must have a demonstrated interest or experience in:
 - (i) conservation of natural resources; or
 - (ii) management of public property.
- (C) Each Indiana congressional district must be represented by at least one (1) individual who is a resident of that congressional district.
- (D) The individuals must represent the following:

- (i) The environmentalist community.
- (ii) The academic community.
- (iii) Organized hunting and fishing groups.
- (iv) The forest products community.
- (v) The parks and recreation community.

SECTION 75. IC 14-20-1-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. The division may do the following:

- (1) Undertake the action necessary to qualify the state for participation in sources of federal aid to preserve historic property, materials, items, sites, and memorials.
- (2) Provide information on historic property, materials, items, sites, and memorials within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.
- (3) Advise and coordinate the activities of local historical associations, historic **district preservation** commissions, historic commissions, and other interested groups or persons.
- (4) Provide technical and financial assistance to local historical associations, historic **district preservation** commissions, historic commissions, and other interested groups or persons.
- (5) Develop a program of interpretation and publication of the state's historical, architectural, and archeological resources.
- (6) Collect and preserve objects of scientific and cultural value representing past and present flora and fauna, the life and work of man, geological history, natural resources, the manufacturing arts, and fine arts.

SECTION 76. IC 14-20-1-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) This section applies to the negotiation and execution of a lease of historical property on which the department desires certain facilities to be provided. However, this section does not apply to a lease of historic property to:

- (1) a political subdivision; or
- (2) a state agency.

(b) The department shall prepare and publicize through appropriate media a statement of intent that does the following:

- (1) Describes the facilities that the department desires to be provided on the historic property.
- (2) Sets forth a procedure for the submission of proposals by persons proposing to lease the historic property and provide the facilities.

(c) A statement of intent prepared under subsection (b) must appear in at least three (3) legal advertisements at ten (10) day intervals in at least five (5) daily newspapers of wide and general circulation in Indiana.

(d) During the sixty (60) days following the publication of the final legal advertisement under subsection (c), proposals may be submitted to the department in response to the statement of intent. The department shall do the following:

- (1) Select from the proposals submitted the one (1) proposal that the department considers most appropriate for the fulfillment of the statement of intent.
- (2) Submit the proposal to the trustees **and the commission** for approval.

(e) If the proposal is approved in writing by the trustees, **and the commission**, the department may negotiate a lease agreement with the party that submitted the proposal. After a lease agreement is

entered into and set forth in writing, the department shall submit the lease agreement to the attorney general for review. A lease agreement that is:

- (1) negotiated;
- (2) executed by the authorized agents of the state and the lessee; and
- (3) approved by the attorney general;

under this section is a binding contract between the state and the lessee.

SECTION 77. IC 14-20-1-15 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 15. The ~~director~~ **commissioner** may, with the approval of the ~~commission~~, **trustees** adopt rules under IC 4-22-2 to administer this chapter.

SECTION 78. IC 14-20-1-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The board of trustees for the division of state museums and historic sites is established.

(b) The trustees consist of thirteen (13) members as follows:

- (1) The ~~director commissioner, of the department~~, who shall serve as chairman.
- (2) Twelve (12) members appointed by the governor as follows:
 - (A) One (1) member of the Indiana State Museum Society nominated by the Society.
 - (B) One (1) member of the Indiana State Museum Volunteers nominated by the volunteers.
 - (C) Two (2) members must be recognized supporters of historic sites.
 - (D) Not more than seven (7) members may be members of the same political party.
 - (E) Not more than two (2) members may be from the same county.
 - (F) Each congressional district in Indiana must be represented by at least one (1) member.

(c) The terms of the appointed members shall be staggered.

SECTION 79. IC 14-20-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. The trustees shall do the following:

- (1) Nominate, when the position of division director is vacant, a person to be appointed by the ~~director commissioner~~ to that position. If the ~~director commissioner~~ rejects a nominee's appointment, the trustees shall nominate another person.
- (2) Recommend, when appropriate, the dismissal of a division director.
- (3) Make recommendations concerning the salary ranges of the administrative, professional, and technical staff of the division.
- (4) Review the budget needs and requests of the division and make recommendations concerning the needs and requests to the governor through the ~~director commissioner~~.
- (5) Recommend that the department accept or reject, hold, or dispose of grants of property to be administered by the division for the purpose of preservation, research, or interpretation of significant areas, events, or grants to citizens of Indiana for the purpose of preserving, studying, and interpreting archeological and natural phenomena, cultural trends, and accomplishments.

(6) Review, guide, and assist in the development of statewide outreach programs.

(7) Review, guide, and assist in the development of professionalism of the staff and operations.

(8) Review, recommend, and devise methods to enable the division to do the following:

- (1) Increase the division's physical plant.
- (2) Expand the educational areas.
- (3) Meet storage needs.

(9) Develop a plan of growth to meet physical, program, and financial needs for both the immediate and long range future, monitor the plan at regular intervals, and ensure that the institution stays within the developed plan.

(10) Recommend policies, procedures, and practices that the ~~commission~~, **commissioner**, the director, and the secretary shall consider.

(11) Give advice or make recommendations to the governor and the general assembly when requested or on the initiative of the trustees.

(12) Review the conduct of the work of the division. To implement this duty, the trustees have access at any reasonable time to copies of all records pertaining to the work of the division.

(13) Adopt bylaws consistent with this chapter for the division's internal control and management and file a copy of the bylaws with the director.

(14) Hold meetings at the times and places in Indiana that are prescribed by the bylaws, but at least quarterly.

(15) Keep minutes of the transactions of each regular and special meeting and file the minutes with the director. The minutes are public records.

(16) Promote the welfare of the division.

(17) Make recommendations concerning the administration of the fund established by section 24 of this chapter.

SECTION 80. IC 14-20-1-23 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 23. (a) The ~~commission~~ **commissioner** may, on recommendation of the trustees, accept or refuse to accept an offered gift of historic property that would be administered by the department.

(b) The ~~commission~~ **commissioner** may, on recommendation of the trustees, sell, lease, or exchange historic property administered by the department under IC 4-20.5-7 or IC 5-22-22.

(c) The ~~commission~~ **commissioner** may, on recommendation of the trustees and in accordance with rules adopted by the ~~commission~~ **commissioner** under IC 4-22-2, sell, donate, or exchange artifacts in the museum's collection to or with other public or nonprofit museums or historical societies. However, the commission may donate an artifact in the museum's collection to a public or nonprofit museum or historical society under this subsection only if the museum or historical society is located in Indiana.

(d) The ~~commission~~ **commissioner** may, on recommendation of the trustees, adopt rules under IC 4-22-2 to establish a procedure for evaluating the merits of proposals to:

- (1) accept gifts of;
- (2) sell; or
- (3) exchange;

artifacts or historic property.

SECTION 81. IC 14-20-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The commission shall do the following:

- (1) Recommend legislation to do the following:
 - (A) Protect the area from the environmental degradation.
 - (B) Assure development of the historic, scenic, aesthetically pleasing, cultural, educational, and recreational nature of the community.
- (2) Conduct a survey of New Harmony memorabilia that is in existence and establish a plan for restoring the memorabilia to the community.
- (3) Conduct other activities that are necessary for promotion and enhancement of the area of New Harmony.
- (4) Cooperate with the department, **the department of natural resources**, and Indiana department of transportation on recommending access and egress from New Harmony.

SECTION 82. IC 14-20-6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The real property shall be administered, maintained, managed, and controlled by the department in the same manner as the state parks **are managed and controlled by the department of natural resources** and shall be known as The James F.D. Lanier Home.

SECTION 83. IC 14-20-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. Thousands of Hoosiers all over the nation have contributed toward the moving and restoration of this historic house and because the house has already proven to be an outstanding tourist attraction and in keeping with our great American heritage, it is the intent of this chapter that the department of commerce, the **Indiana library and historical department**, **the department of natural resources**, and other appropriate state boards and agencies give widespread publicity to this memorial by brochure, pamphlet, or other means.

SECTION 84. IC 14-21-1-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. The division shall do the following:

- (1) Develop a program of historical, architectural, and archeological research and development, including continuing surveys, excavations, scientific recording, interpretation, and publication of the state's historical, architectural, and archeological resources.
- (2) Prepare a preservation plan for the state that establishes planning guidelines to encourage the continuous maintenance and integrity of historic sites and historic structures. However, the plan is not effective until the plan has been:
 - (A) presented to the council for review and comment; and
 - (B) approved by the review board after public hearing.
- (3) Undertake the action necessary to qualify the state for participation in sources of federal aid to further the purposes stated in subdivisions (1) and (2).
- (4) Provide information on historic sites and structures within Indiana to federal, state, and local governmental agencies, private individuals, and organizations.
- (5) Advise and coordinate the activities of local historical associations, historic **district preservation** commissions, historic commissions, and other interested groups or persons.
- (6) Provide technical and financial assistance to local historical associations, historic **district preservation** commissions, historic commissions, and other interested

groups or persons.

(7) Review environmental impact statements as required by federal and state law for actions significantly affecting historic properties.

SECTION 85. IC 14-21-1-13 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13. The division may do the following:

- (1) Recommend the purchase, lease, or gift of historic property of archeological importance and make recommendations to the ~~director~~, council and ~~commissioner~~ **the commissioner** regarding policies affecting the operation and administration of these sites and structures by the section of historic sites of the division of state museums and historic sites.
- (2) Prepare and review planning and research studies relating to archeology.
- (3) Conduct a program of education in archeology, either within the division or in conjunction with an institution of higher education.
- (4) Inspect and supervise an archeological field investigation authorized by this chapter.

SECTION 86. IC 14-21-1-13.5, AS AMENDED BY P.L.177-2001, SECTION 2, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 13.5. (a) The division may conduct a program to survey and register in a registry of Indiana cemeteries and burial grounds that the division establishes and maintains all cemeteries and burial grounds in each county in Indiana. The division may conduct the program alone or by entering into an agreement with one (1) or more of the following entities:

- (1) The Indiana Historical Society established under IC 23-6-3.
- (2) A historical society as defined in IC 20-5-17.5-1(a).
- (3) The Historic Landmarks Foundation of Indiana.
- (4) A professional archeologist or historian associated with a college or university.
- (5) A township trustee.
- (6) Any other entity that the division selects.

(b) In conducting a program under subsection (a), the division may receive gifts and grants under terms, obligations, and liabilities that the ~~director~~ **commissioner** considers appropriate. The ~~director~~ **commissioner** shall use a gift or grant received under this subsection:

- (1) to carry out subsection (a); and
- (2) according to the terms of the gift or grant.

(c) At the request of the ~~director~~, **commissioner**, the auditor of state shall establish a trust fund for purposes of holding money received under subsection (b).

(d) The ~~director~~ **commissioner** shall administer a trust fund established by subsection (c). The expenses of administering the trust fund shall be paid from money in the trust fund.

(e) The treasurer of state shall invest the money in the trust fund established by subsection (c) that is not currently needed to meet the obligations of the trust fund in the same manner as other public trust funds may be invested. The treasurer of state shall deposit in the trust fund the interest that accrues from the investment of the trust fund.

(f) Money in the trust fund at the end of a state fiscal year does not revert to the state general fund.

(g) Nothing in this section may be construed to authorize violation of the confidentiality of information requirements of 16 U.S.C. 470(w) and 16 U.S.C. 470(h)(h).

(h) The division may record in each county recorder's office the location of each cemetery and burial ground located in that county.

SECTION 87. IC 14-21-1-17 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 17. (a) Any person may nominate a site or structure for addition to or removal from the register. Upon approval of the nomination by the division, all affected persons shall be notified.

(b) If an objection to the action is not filed with the division within thirty (30) days after the notification date, the nomination is automatically approved.

(c) If an objection is received within thirty (30) days, a designated member of the review board shall hold a hearing and make a determination. The review board shall make the final decision regarding a nomination ~~subject to administrative review by the commission~~ under IC 4-21.5.

SECTION 88. IC 14-21-1-19 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 19. The ~~director~~ **commissioner** is designated as the state historic preservation officer.

SECTION 89. IC 14-21-1-20 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 20. (a) The historic preservation review board is established.

(b) The review board consists of nine (9) members as follows:

- (1) The ~~director~~ **commissioner**.
- (2) At least five (5) individuals meeting minimum professional requirements established by the United States Department of the Interior in 36 CFR, Part 61, as in effect on January 1, 1984.
- (3) Professionals in the following disciplines:
 - (A) History.
 - (B) Prehistoric or historic archeology.
 - (C) Architecture or historical architecture.

(c) The division director is a nonvoting advisor to the review board entitled to attend and participate in the proceedings of all meetings of the review board.

(d) The ~~director~~ **commissioner** shall, with the concurrence of the governor, appoint the members of the review board under subsection (b)(2) and (b)(3) for terms of three (3) years. The terms shall be staggered so that the terms of two (2) or three (3) members expire each year. A member may be reappointed.

(e) Appointments to the review board shall be made in accordance with 36 CFR, Part 60, and 36 CFR, Part 61, as in effect on January 1, 1984.

SECTION 90. IC 14-21-1-21 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 21. The ~~director~~ **commissioner** is chairman of the review board. The review board may select other officers that the review board determines.

SECTION 91. IC 14-21-1-22 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 22. (a) The review board shall carry out the duties:

- (1) required by this chapter; and
- (2) as required under 16 U.S.C. 470 et seq. and the regulations relating to 16 U.S.C. 470 et seq.

(b) The review board shall also advise the division and the department as requested by the ~~director~~ **commissioner**.

SECTION 92. IC 14-21-1-25, AS AMENDED BY P.L.46-2000, SECTION 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 25. (a) The ~~commission~~ **review board** shall adopt rules establishing standards for plans.

(b) With respect to archeological plans, the rules must impose a standard of conduct that does the following:

- (1) Promotes the scientific investigation and conservation of past cultures.
- (2) Considers the interests and expertise of amateur archeologists and professional archeologists.

(c) With respect to development plans, the rules must impose a standard of conduct that preserves and protects both of the following:

- (1) The rights and interests of landowners.
- (2) The sensitivity of human beings for treating human remains with respect and dignity, as determined by the ~~commission~~ **review board**.

(d) Plans required under this chapter must be submitted to the department for approval according to rules adopted by the ~~commission~~ **review board**.

SECTION 93. IC 14-21-1-27, AS AMENDED BY P.L.14-2000, SECTION 38, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 27. (a) A person who disturbs buried human remains shall do the following:

- (1) Notify the department within two (2) business days of the time of the disturbance.
- (2) Treat or rebury the human remains in a manner and place according to rules adopted by the ~~commission~~ **review board** or a court order and permit issued by the state department of health under IC 23-14-57.

(b) A person who recklessly, knowingly, or intentionally violates this section commits a Class A misdemeanor.

SECTION 94. IC 14-21-1-31 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 31. (a) The ~~commission~~ **review board** shall adopt rules under IC 4-22-2 to implement this chapter.

(b) When adopting rules under this chapter the ~~commission~~ **review board** shall consider the following:

- (1) The rights and interests of landowners.
- (2) The sensitivity of human beings for treating human remains with respect and dignity.
- (3) The value of history and archeology as a guide to human activity.
- (4) The importance of amateur archeologists in making historical, cultural, and archeological discoveries.
- (5) Applicable laws, standards, and guidelines for the conduct of archeology and codes of ethics for participation in archeology.

SECTION 95. IC 14-34-4-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) The director may not approve a permit application unless, in addition to the findings required by section 7 of this chapter, the director states in writing that the director has ~~considered~~ **consulted with the commissioner of the Indiana library and historical department concerning** the effects of the proposed mining operation on a place

listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures.

(b) If the director considers it appropriate in accordance with rules adopted by the commission under this section, the director may impose conditions on a permit for the protection of properties or sites listed on or eligible for listing on the National Register of Historic Places or the Indiana state register of historic sites and structures requiring that:

- (1) mining operations not occur in the areas occupied by the properties or sites; or
- (2) measures be implemented to mitigate the effects of the operation upon those properties or sites before mining.

(c) The commission shall adopt rules under IC 4-22-2 to implement this section consistent with the following general principles:

- (1) The commission's rules may not prohibit the use of information from any source and shall recognize the responsibilities of the state historic preservation officer under IC 14-21-1-12 and IC 14-21-1-15.
- (2) The commission's rules must provide for participation by professional and amateur archeologists, anthropologists, historians, or related experts in any:
 - (A) field investigations;
 - (B) studies; or
 - (C) records searches;

required by the director under this section.

(3) The commission's rules must strive to ensure that field investigations and studies are required only where a substantial likelihood exists that important and significant archeological or historic sites are present.

(4) In considering the effect of proposed surface coal mining and reclamation operations on a property or site eligible for listing on the National Register of Historic Places, the director shall consider the following:

(A) Based on information available from the division of historic preservation and archeology **of the Indiana library and historical department**, the relative importance of the property or site compared to other properties or sites in Indiana listed on or eligible for listing on the National Register of Historic Places.

(B) The cost of an investigation of the permit area or site as estimated by the applicant. A decision that an investigation is not required may not be based on cost alone.

(5) This section does not authorize rules that impair the ownership of artifacts or other material found on private land.

(d) The director may do the following:

- (1) Investigate the possibility of obtaining available federal or private:
 - (A) grants;
 - (B) subsidies; or
 - (C) aid;

to defer the cost to private individuals of measures required by the director under this section.

(2) Apply for any:

- (A) grants;
- (B) aid; or
- (C) subsidies;

that the director determines are available.

(e) In making the finding required by this section, the director shall take into account the general principles set forth in subsection (c).

SECTION 96. IC 20-11-3-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) As used in this section, "concerned state agency" includes the following state agencies that are inherently concerned with the mission of the coalition as stated in section 1 of this chapter:

- (1) The ~~state Indiana~~ library and historical ~~society~~ **department**.
- (2) The department of workforce development.
- (3) The department of correction.
- (4) The office of the secretary of family and social services.
- (5) The department of commerce.
- (6) The department of education.

(b) The **commissioner**, director, **or secretary** of a concerned state agency shall:

- (1) appoint an ex officio member to serve on the coalition; and
- (2) provide appropriate support to the coalition.

SECTION 97. IC 20-14-12-1.1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1.1. As used in this chapter, "board" refers to the Indiana library ~~and historical~~ board established under IC 4-23-7-2.

SECTION 98. IC 23-14-67-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE APRIL 1, 2004]: Sec. 3.5. (a) Before March 1 of each year, a county cemetery commission shall file an annual report with the ~~Indiana historical bureau~~ **division of historic preservation and archeology** established by IC 4-23-7-3.

(b) An annual report filed under this section must include information on the following:

- (1) The budget of the county cemetery commission for the preceding calendar year.
- (2) Expenditures made by the county cemetery commission during the preceding calendar year.
- (3) Activities of the county cemetery commission during the preceding calendar year.
- (4) Plans of the county cemetery commission for the calendar year during which the report is filed.

(c) The ~~Indiana historical bureau~~ **division of historic preservation and archeology** shall make reports filed under this section available for public inspection under IC 5-14-3.

SECTION 99. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 5-15-5.1-4; IC 5-15-5.1-18.

SECTION 100. THE FOLLOWING ARE REPEALED [EFFECTIVE APRIL 1, 2004]: IC 4-23-7.2-14; IC 4-23-7.2-15; IC 4-23-7.2-16; IC 4-23-7.2-17.

SECTION 101. [EFFECTIVE APRIL 1, 2004] (a) **Notwithstanding IC 4-23-7.2-1, as amended by this act, the following additional definitions apply to IC 4-23-7.2, as amended by this act:**

- (1) "Division" means the division of state museums and historic sites established by IC 14-9-4-1.
- (2) "State library" means the Indiana state library established by IC 4-23-7-3.

(b) **Notwithstanding IC 4-23-7.2-7, as amended by this act, funds that are in the historical bureau publications and**

educational fund as of April 1, 2004, are transferred to the state library publications and educational fund established by IC 4-23-7.2-7, as amended by this act.

(c) Notwithstanding IC 4-23-7.2-8, as amended by this act, any duty required by the commissioner of the Indiana library and historical department shall be performed by the director of the Indiana state museum.

(d) On April 1, 2004:

(1) all powers, duties, assets, appropriations, fund balances, and liabilities of the Indiana historical bureau under IC 4-23-7.2-8, IC 4-23-7.2-10, and IC 4-23-7.2-12, all as amended by this act, are transferred to the Indiana state museum; and

(2) all other powers, duties, assets, appropriations, fund balances, and liabilities of the Indiana historical bureau under IC 4-23-7.2, as amended by this act, are transferred to the Indiana state library.

(e) This SECTION expires July 1, 2005.

SECTION 102. [EFFECTIVE JANUARY 1, 2005] (a) Notwithstanding IC 4-23-7-2, as amended by this act, the governor shall appoint two (2) additional members to the Indiana library and historical board. The initial terms of office for the two (2) individuals appointed are as follows:

(1) One (1) member for a term of one (1) year.

(2) One (1) member for a term of three (3) years.

(b) The initial terms begin January 1, 2005.

(c) This SECTION expires July 1, 2008.

SECTION 103. [EFFECTIVE JULY 1, 2005] (a) A member of the Indiana library and historical board appointed under IC 4-23-7-2 (before its amendment by this act) shall continue to serve as a member of the Indiana library board established by IC 4-23-7-2, as amended by this act, until the end of the term for which the member was appointed.

(b) This SECTION expires July 1, 2008.

SECTION 104. [EFFECTIVE JULY 1, 2005] (a) The division of state museums and historic sites of the Indiana library and historical department, as amended by this act, is a continuation of the division of state museums and historic sites of the department of natural resources.

(b) The rules adopted by the natural resources commission concerning the division of state museums and historic sites of the department of natural resources shall be treated, after June 30, 2005, as rules of the division of state museums and historic sites of the Indiana library and historical department.

(c) On July 1, 2005, all powers, duties, assets, appropriations, fund balances, and liabilities of the department of natural resources that are attributable to the division of state museums and historic sites are transferred to the division of state museums and historic sites of the Indiana library and historical department.

(d) After June 30, 2005, a reference to the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated as a reference to the division of state museums and historic sites of the Indiana library and historical department.

(e) After June 30, 2005, a reference to the director of the department of natural resources in a statute or rule concerning the division of state museums and historic sites shall be treated

as a reference to the director of the division of state museums and historic sites of the Indiana library and historical department.

SECTION 105. [EFFECTIVE JULY 1, 2005] (a) The division of historic preservation and archeology of the Indiana library and historical department, as amended by this act, is a continuation of the division of historic preservation and archeology of the department of natural resources.

(b) The rules adopted by the natural resources commission concerning the division of historic preservation and archeology of the department of natural resources shall be treated, after June 30, 2005, as rules of the division of historic preservation and archeology of the Indiana library and historical department.

(c) On July 1, 2005, all powers, duties, assets, appropriations, fund balances, and liabilities of the department of natural resources that are attributable to the division of historic preservation and archeology are transferred to the division of historic preservation and archeology of the Indiana library and historical department.

(d) After June 30, 2005, a reference to the department of natural resources in a statute or rule concerning the division of historic preservation and archeology shall be treated as a reference to the division of historic preservation and archeology of the Indiana library and historical department.

(e) After June 30, 2005, a reference to the director of the department of natural resources in a statute or rule concerning the division of historic preservation and archeology shall be treated as a reference to the director of the division of historic preservation and archeology of the Indiana library and historical department.

SECTION 106. [EFFECTIVE JULY 1, 2005] (a) The Indiana state library of the Indiana library and historical department is a continuation of the commission on public records (IC 5-15-5.1, as amended by this act).

(b) The rules adopted by the commission on public records shall be treated, after June 30, 2005, as rules of the Indiana library board established by IC 4-23-7-2, as amended by this act.

(c) On July 1, 2005, all powers, duties, assets, appropriations, fund balances, and liabilities of the commission on public records are transferred to the Indiana state library of the Indiana library and historical department.

(d) After June 30, 2005, a reference to the commission on public records in a statute or rule shall be treated as a reference to the Indiana state library of the Indiana library and historical department.

(e) After June 30, 2005, a reference to the oversight committee on public records in a statute or rule shall be treated as a reference to the Indiana library board established by IC 4-23-7-2, as amended by this act.

SECTION 107. [EFFECTIVE JULY 1, 2004] (a) The legislative services agency shall prepare legislation for introduction in the 2005 regular session of the general assembly to organize and correct statutes affected by the transfer of responsibilities to the Indiana library and historical department by this act.

(b) This SECTION expires June 30, 2005.

SECTION 108. **An emergency is declared for this act.**
(Reference is to SB 64 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Governmental Affairs and Interstate Cooperation.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 65, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning local government.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 36-2-14-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) Whenever the coroner is notified that a person in the county:

- (1) has died from violence;
- (2) has died by casualty;
- (3) has died when apparently in good health;
- (4) has died in an apparently suspicious, unusual, or unnatural manner; or
- (5) has been found dead;

~~he~~ **the coroner** shall, before the scene of the death is disturbed, notify a law enforcement agency having jurisdiction in that area. The agency shall assist the coroner in conducting an investigation of how the person died and a medical investigation of the cause of death.

(b) The coroner shall file with the person in charge of interment a coroner's certificate of death within seventy-two (72) hours after being notified of the death. If the cause of death is not established with reasonable certainty within seventy-two (72) hours, the coroner shall file with the person in charge of interment a coroner's certificate of death, with the cause of death designated as "deferred pending further action". As soon as ~~he~~ **the coroner** determines the cause of death, the coroner shall file a supplemental report indicating ~~his~~ **the coroner's** exact findings with the local health officer having jurisdiction, who shall make it part of ~~his~~ **the coroner's** official records.

(c) If this section applies, the body and the scene of death may not be disturbed until the coroner has photographed them in the manner that most fully discloses how the person died. However, a coroner or law enforcement officer may order a body to be moved before photographs are taken if the position or location of the body unduly interferes with activities carried on where the body is found, but the body may not be moved from the immediate area and must be moved without substantially destroying or altering the evidence present.

(d) When acting under this section **or section 6.5 of this chapter**, if the coroner considers it necessary to have an autopsy performed, is required to perform an autopsy under subsection (f), or is requested by the prosecuting attorney of the county to perform

an autopsy, the coroner shall employ a physician:

- (1) certified by the American Board of Pathology; or
- (2) holding an unlimited license to practice medicine in Indiana and acting under the direction of a physician certified by the American Board of Pathology;

to perform the autopsy. The physician performing the autopsy shall be paid a fee of at least fifty dollars (\$50) from the county treasury. A coroner may employ the services of the medical examiner system, provided for in IC 4-23-6-6, when an autopsy is required, as long as this subsection is met.

(e) If:

- (1) at the request of:

- (A) the decedent's spouse;
- (B) a child of the decedent, if the decedent does not have a spouse;
- (C) a parent of the decedent, if the decedent does not have a spouse or children;
- (D) a brother or sister of the decedent, if the decedent does not have a spouse, children, or parents; or
- (E) a grandparent of the decedent, if the decedent does not have a spouse, children, parents, brothers, or sisters;

- (2) in any death, where two (2) or more witnesses who corroborate the circumstances surrounding death are present; and

- (3) two (2) physicians who are licensed to practice medicine in the state and who have made separate examinations of the decedent certify the same cause of death in an affidavit within twenty-four (24) hours after death;

an autopsy need not be performed. The affidavits shall be filed with the circuit court clerk.

(f) A county coroner may not certify the cause of death in the case of the sudden and unexpected death of a child who is at least one (1) week old and not more than three (3) years old unless an autopsy is performed at county expense. However, a coroner may certify the cause of death of a child described in this subsection without the performance of an autopsy if subsection (e) applies to the death of the child.

SECTION 2. IC 36-2-14-6.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec 6.5. (a) If a person dies while a resident of a health facility licensed under IC 16-28, the administrator of the health facility shall immediately report the death to the coroner in the county where the health facility is located.**

(b) The coroner may investigate a death reported under this section.

(Reference is to SB 65 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Health and Provider Services.

GARTON, Chair

Report adopted.

COMMITTEE REPORT

Madam President: The Senate Committee on Rules and Legislative Procedure, to which was referred Senate Bill 158, has had the same under consideration and begs leave to report the same

back to the Senate with the recommendation that said bill be amended as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Delete everything after the enacting clause and insert the following:

SECTION 1. IC 35-38-2.5-5.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5.5. (a) A court may not place an offender who resides in a different county on home detention ~~unless~~ **in the county in which the offender resides except as follows:**

~~(1) the offender is eligible for home detention in the county in which the person resides; and~~

(1) If the offender resides in a county adjacent to the county in which the sentencing court is located, supervision of the offender must be conducted by the probation department or community corrections program located in the county in which the sentencing court is located.

(2) If the offender resides in a county that is not adjacent to the county in which the sentencing court is located:

(A) the offender must be eligible for home detention in the county in which the offender resides; and

(B) supervision of the offender will must be conducted by the probation department or community corrections program located in the county in which the offender resides.

~~(b) If an offender is:~~

~~(1) currently serving home detention in a county that operates a home detention program; and~~

~~(2) being supervised by a probation department or community corrections program located in a different county;~~

~~the court shall order that supervision of the offender be transferred to the probation department or community corrections program located in the county where the offender resides.~~

~~(c) (b) All home detention fees described in section 8 of this chapter shall be collected by the probation department or community corrections program that supervises the offender.~~

(c) A probation department or community corrections program that supervises an offender on home detention is responsible for the expenses of the supervision.

(Reference is to SB 158 as introduced.)

and when so amended that said bill be reassigned to the Senate Committee on Corrections, Criminal, and Civil Matters.

GARTON, Chair

Report adopted.

RESOLUTIONS ON FIRST READING

House Concurrent Resolution 4

House Concurrent Resolution 4, sponsored by Senators Skinner and Harrison:

A CONCURRENT RESOLUTION memorializing Corporal Bryan Wilson.

Whereas, Corporal Bryan Wilson, 22, of Independence, Indiana, died on December 3, 2004, when his Humvee overturned during a combat mission in Iraq;

Whereas, Corporal Wilson was the 34th member of the military from Indiana to die in the Middle East since February 2003;

Whereas, Corporal Wilson, who enlisted in the Marines after high school and was a member of the 2nd Battalion, 11th Marine Regiment, 1st Marine Division, 1 Marine Expeditionary Force, Camp Pendleton, California, had recently reenlisted for another four years in the Marine Corps;

Whereas, Corporal Wilson believed in freedom and was determined to serve his country;

Whereas, Corporal Wilson, a 2001 graduate of Seeger Memorial High School in Warren County, west of Lafayette, is survived by his wife, Samantha, and his 20-month-old daughter, Breanne; and

Whereas, Corporal Wilson was a devoted husband and father as well as a loving son. These qualities endeared him to all who knew him. He will be greatly missed by his family, his friends, and the citizens of Indiana: Therefore,

Be it resolved by the House of Representatives of the General Assembly of the State of Indiana, the Senate concurring:

SECTION 1. The people of Indiana wish to join with the friends and fellow servicemen and servicewomen of Corporal Bryan Wilson and extend to his family sincere and heartfelt sympathy in this time of loss.

SECTION 2. Corporal Wilson has given his country the greatest gift there is — his life. His sacrifice will be remembered forever, and his courage will be held up as an example for others. He is truly an American hero.

SECTION 3. That the Principal Clerk of the House of Representatives transmit copies of this resolution to Corporal Wilson's wife, Samantha; his daughter, Breanne; his parents, Charles and Brenda Wilson; and his brothers, Lonnie and Adam.

The resolution was read in full and adopted by standing vote. The Chair instructed the Secretary to inform the House of the passage of the resolution.

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Senate Concurrent Resolutions 18, 19, and 22 and the same are herewith returned to the Senate.

M. CAROLINE SPOTTS
Principal Clerk of the House

MESSAGE FROM THE HOUSE

Madam President: I am directed by the House to inform the Senate that the House has passed Engrossed House Bills 1022,

1069, 1075, 1097, 1182, 1240, 1248, 1262, 1329, and House Joint Resolution 4, and the same are herewith transmitted to the Senate for further action.

M. CAROLINE SPOTTS
Principal Clerk of the House

SENATE BILLS ON SECOND READING

Senate Bill 169

Senator Gard called up Senate Bill 169 for second reading. The bill was read a second time by title.

SENATE MOTION (Amendment 169-1)

Madam President: I move that Senate Bill 169 be amended to read as follows:

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning environmental law.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert:

"SECTION 1. IC 13-11-2-61.3 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 61.3. "Electronic signature", for purposes of IC 13-14-2-8, has the meaning set forth in IC 26-2-8-102(8).**

SECTION 2. IC 13-14-2-8 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE UPON PASSAGE]: **Sec. 8. The department may accept electronic signatures, applying the same standards for the acceptance of electronic signatures that apply under federal law."**

Renumber all SECTIONS consecutively.

(Reference is to SB 169 as printed January 20, 2005.)

GARD

Motion prevailed. The bill was ordered engrossed.

ENGROSSED SENATE BILLS ON THIRD READING

Engrossed Senate Bill 179

Senator Dillon called up Engrossed Senate Bill 179 for third reading:

A BILL FOR AN ACT to amend the Indiana Code concerning elections.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 40: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Thomas, Messer, Leonard, and Mahern.

Engrossed Senate Bill 304

Senator Wyss called up Engrossed Senate Bill 304 for third

reading:

A BILL FOR AN ACT to amend the Indiana Code concerning military and veterans' affairs.

The bill was read a third time by sections and placed upon its passage. The question was, Shall the bill pass?

Roll Call 41: yeas 47, nays 0. The bill was declared passed. The question was, Shall the title of the bill remain the title of the act? There being no objection, it was so ordered. The Chair instructed the Secretary to inform the House of the passage of the bill. House sponsors: Representatives Alderman and Kuzman.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 64 and that Senator Merritt be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Garton be removed as author of Senate Bill 65 and that Senator Zakas be substituted therefor.

GARTON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as second author of Senate Bill 470.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Landske be added as second author of Senate Bill 391.

MRVAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator M. Young be added as second author and Senators Steele, Waltz, Heinold, and Nugent be added as coauthors of Senate Bill 541.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Rogers be added as coauthor of Senate Bill 433.

LUBBERS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Antich-Carr be added as coauthor of Senate Bill 79.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 542.

WATERMAN

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Bray be removed as second author of Senate Bill 444.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as second author and Senator Bray be added as coauthor of Senate Bill 444.

M. YOUNG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Lanane be added as second author and Senators Simpson and Antich-Carr be added as coauthors of Senate Bill 258.

KENLEY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Steele be added as coauthor of Senate Bill 373.

BRAY

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Zakas be added as second sponsor of Engrossed House Bill 1003.

FORD

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Meeks be added as coauthor of Senate Bill 335.

SIMPSON

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as second author of Senate Bill 84.

CRAYCRAFT

Motion prevailed.

SENATE MOTION

Madam President: I move that Senators Hume, Lanane, and Simpson be added as coauthors of Senate Bill 38.

ANTICH-CARR

Motion prevailed.

2:10 p.m.

The Chair declared a recess until the fall of the gavel.

Recess

The Senate reconvened at 2:14 p.m., with the President of the Senate in the Chair.

SENATE MOTION

Madam President: I move that Senators Alting, Antich-Carr, Bowser, Bray, Breaux, Broden, Clark, Drozda, Ford, Harrison, Howard, Hume, Jackman, Kenley, Kruse, Lanane, Landske, Lawson, Lewis, Long, Lubbers, Miller, Mishler, Mrvan, Nugent, Riegsecker, Simpson, Smith, Steele, Waltz, Waterman, Weatherwax, R. Young, and Zakas be added as coauthors of Engrossed Senate Bill 304.

WYSS

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Skinner be added as coauthor of Senate Bill 569.

MILLER

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Weatherwax be added as coauthor of Senate Bill 100.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move that Senator Mrvan be added as coauthor of Engrossed Senate Bill 100.

LONG

Motion prevailed.

SENATE MOTION

Madam President: I move we adjourn until 1:30 p.m., Monday, January 31, 2005.

GARTON

Motion prevailed.

The Senate adjourned at 2:15 p.m.

MARY C. MENDEL
Secretary of the Senate

REBECCA S. SKILLMAN
President of the Senate